

JOURNAL  
OF THE  
SEVENTH BIENNIAL SESSION  
OF THE  
HOUSE OF REPRESENTATIVES  
OF THE  
STATE OF ALABAMA,  
SESSION OF 1859-'60,  
HELD IN THE  
CITY OF MONTGOMERY.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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MONTGOMERY:  
SHORTER & REID, STATE PRINTERS.  
1860.

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# JOURNAL.

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MONTGOMERY, ALABAMA,  
Monday, 14th Nov. 1859. }

This being the second Monday in November, one thousand eight hundred and fifty-nine, the day fixed by law, for the meeting of the General Assembly of the State of Alabama, the following members appeared within the bar of the house of the State Capitol :

On motion of Mr. Hubbard, Mr. Hale was called to the chair.

On motion of Mr. Smith, Albert Elmore was appointed clerk, and Mr. Gibson, temporary doorkeeper.

The roll of the House being called, the members present were qualified and took their seats. From the county of—

*Autauga*—Asbery C. Taylor.

*Babour*—Henry D. Clayton, W. B. Bowen.

*Baldwin*—T. C. Barlow.

*Bibb*—S. W. Davidson, Jr.

*Blount*—Enoch Albridge, A. M. Gibson.

*Butler*—Sam'l. Adams, M. C. Hane.

*Calhoun*—W. H. Forney, Wm. F. Bush, Jno. H. Wright.

*Chambers*—A. J. Carlisle, Warner W. Meadow.

*Cherokee*—J. M. Clifton, F. M. Hardwick, Thos. Cooper, Dozier Thornton.

*Choctaw*—J. G. Slater, F. D. Fielder.

*Clarke*—W. J. Hearin.

*Coffee*—Jeremiah Warren.

*Conecuh*—John D. Carry.

*Coosa*—Alex. Smith, Calvin Humphries, W. D. Walden.

*Covington*—Alfred Holley.

*Dallas*—A. G. Mabry; Thos. E. Irby.

*Dale*—D. Griffin, Noah Fountain.

*DeKalb*—Seabird Cowan, F. J. Burgess.

*Fayette*—A. J. Coleman, J. Seay.

*Franklin*—Wm. C. Oates, W. P. Jack.

*Greene*—R. D. Huckakee, S. F. Hale.

*Henry*—P. M. Thomas, B. C. Flake.

*Jackson*—P. G. Griffin, Jonathan Latham, J. M. Hudgins.

*Jefferson*—Alburto Martin.

*Lauderdale*—H. D. Smith, S. D. Herman.

*Lawrence*—David Hubbard, W. C. Sherrod.

*Limestone*—S. R. Davis, Thos. H. Hobbs.

*Lowndes*—James G. Gilchrist, W. D. Brooks.

*Macon*—W. R. Cunningham, Thos. Tate, C. J. Bryan.

*Madison*—S. S. Scott, Robt. J. Lowe.

*Marshall*—Wm. M. Griffin, R. S. Clapp.

*Marengo*—N. B. Lesueur.

*Marion*—Kimbrow T. Brown, W. A. Musgrove.

*Mobile*—Percy Walker, Jno. Forsyth, A. B. Meek, G. Y.

#### Overall.

*Montgomery*—Saml. F. Rice, M. J. Saffold.

*Morgan*—R. N. Walden.

*Monroe*—H. O. Abney.

*Perry*—A. G. Bradley, A. R. Shepard.

*Pickens*—A. L. Neal, Alex. B. Clitherall.

*Pike*—A. W. Starke, O. F. Knox, J. B. Goldsmith.

*Randolph*—F. A. McMurray, F. M. Ferrel, J. Hightower.

*Russell*—E. Calhoun, F. G. Jones.

*Shelby*—D. T. Seal, W. G. Bowdon.

*St. Clair*—Levi Floyd.

*Sumter*—B. Y. Ramsey.

*Talladega*—L. E. Parsons, Chas. Carter, Jno. T. Bell.

*Tallapoosa*—Jno. J. Holly, O. P. Dark, A. S. Herren.

*Tuscaloosa*—N. H. Brown, N. L. Whitfield.

*Walker*—J. M. Easley.

*Washington*—James White.

*Wilcox*—Felix Tait.

*Winston*—James M. Bibb.

On motion of Mr. Clayton, Mr. Geo. P. Keyes, acted as assistant clerk.

The House proceeded to the election of a speaker, Messrs. Hobbs, of Limestone, Clitherall, of Pickens, Cooper, of Chrokee, Meek, of Mobile and Irby, of Dallas, being in nomination.

Those who voted for Mr. Hobbs are, Messrs. Adams, Aldridge, Bowdon, Davis, Easley, Gibson, Griffin of Marshall, Hudgins, Jack, Lowe, Oates, Scott, Seale, Sherrod, Walden, of Morgan.—15.

Those who voted for Mr. Clitherall are, Messrs. Brown of Marion, Carter, Coleman, Hale, Lane, Martin, Musgrove, Neal, Parsons, Ramsey, Seay, Whitfield.—12.

Those who voted for Mr. Smith are, Messrs. Bowen, Brown, of Tuscaloosa, Bryan, Calhoun, Clayton, Cunningham, Flake,

Fountain, Goldsmith, Griffin, of Dale, Herman, Holley, of Covington, Hubbard, Huckabee, Humphries, Jones, Knox, Rice, Smith, of Coosa, Starke, Taylor, Thomas Warren.—22.

Those who voted for Mr. Cooper are, Messrs. Bell, Burgess, Bush, Carlisle, Clapp, Clopton, Cowan, Davidson, Ferrell Forney, Hardwick, Hightower, Lloyd, McMurray, Meadows, Tate, of Macon, Thornton, Waldon, Wright.—18.

No one having received a majority of all the votes cast, the House proceeded again to ballot:

Those who voted for Mr. Hobbs are, Messrs. Adams, Aldridge, Bibb, Bowden, Davis, Easley, Gibson, Griffin of Marshall, Jack, Latham, Lowe, Oats, Scott, Seale, Sherrod, Walden of Morgan.—16.

Those who voted for Mr. Clitherall are, Messrs. Brown of Marion, Coleman, Cunningham, Hale, Lane, Martin, Musgrove, Neal, Ramsay, Seay, Whitfield.—11.

Those who voted for Mr. Smith are, Messrs. Bowen, Brown of Tuscaloosa, Bryan, Calhoun, Carter, Clayton, Fountain, Goldsmith, Griffin of Dale, Herman, Holley of Covington, Hubbard, Huckabee, Humphries, Jones, Knox, Rice, Smith of Coosa, Starke, Taylor, Thomas, Warren.—22.

Those who voted for Mr. Cooper are, Messrs. Burgess, Bush, Carlyle, Clapp, Cowan, Davidson, Ferrell, Forney, Hardwick, Hightower, Lloyd, McMurray, Meadows, Tate of Macon, Walden of Coosa, Wright.—16.

Those who voted for Mr. Meek are, Messrs. Abney, Barlow, Bell, Brooks, Cary, Dark, Fielder, Forsyth, Gilchrist, Griffin of Jackson, Hearin of Clarke, Herren of Tallapoosa, Hudgins, Lesueur, Overall, Parsons, Slater, Walker, White.—19.

Those who voted for Mr. Irby are, Messrs. Bradley, Holley of Tallapoosa, Mabry, Saffold, Shepard, Tait of Wilcox —6.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the third ballot.

Those who voted for Mr. Hobbs are, Messrs. Adams, Aldridge, Bibb, Bowden, Davis, Easley, Gibson, Griffin of Marshall, Jack, Latham, Lowe, Oates, Scott, Seale, Sherrod, Walden.—16.

Those who voted for Mr. Clitherall are, Messrs. Brown, Carter, Coleman, Cunningham, Davidson, Hale, Holley of Tallapoosa, Martin, Musgrove, Neal, Ramsey, Rice, Seay, Whitfield.—12.

Those who voted for Mr. Smith are, Messrs. Bowen, Brown of Tuscaloosa, Bryan, Calhoun, Clayton, Flake, Fountain, Goldsmith, Griffin of Dale, Herman, Holley of Covington, Hubbard, Huckabee, Humphries, Jones, Knox, Lane, Smith of Coosa, Starke, Taylor, Thomas, Warren —23.

Those who voted for Mr. Cooper are, Messrs. Burgess, Bush, Carlisle, Clapp, Clifton, Cowan, Ferrell, Forney, Harwick, Hightower, Lloyd, McMurry, Meadows, Tate of Macon, Walden of Coosa, Wright.—19.

Those who voted for Mr. Irby are, Messrs. Mabry, Saffold, Shepard, Tait of Wilcox.—4.

Neither of the candidates having received a majority of all the votes cast, the House proceeded to ballot again.

Those who voted for Mr. Hobbs are, Messrs. Adams, Aldridge, Bibb, Bowden, Davis, Easley, Gibson, Griffin of Marshall, Jack, Latham, Lowe, Oats, Scott, Seale, Sherrod, Walden of Morgan.—16.

Those who voted for Mr. Clitherall are, Brown of Marion, Coleman, Davidson, Hale, Holley of Tallapoosa, Martin, Musgrove, Neal, Ramsey, Seay, Whitfield.—11.

Those who voted for Mr. Smith are, Bowen, Brown of Tuscaloosa, Bryan, Calhoun, Carlisle, Carter, Clayton, Cunningham, Dark, Flake, Fountain, Goldsmith, Griffin of Dale, Herman, Holley of Covington, Hubbard, Huckabee, Humphries, Jones, Knox, Lane, McMurray, Rice, Smith of Coosa, Starke, Taylor, Thomas, Warren.—28.

Those who voted for Mr. Cooper are, Messrs. Burgess, Clapp, Clayton, Cowan, Ferrell, Hardwick, Hightower, Lloyd, Tate of Macon, Thornton, Walden of Coosa.—10.

Those who voted for Mr. Meek are, Messrs. Abney, Barlow, Bell, Brooks, Bush, Cary, Fielder, Forney, Forsyth, Gilchrist, Griffin, of Jackson, Hearin of Clarke, Herren of Tallapoosa, Hudgins, Meadows, Overall, Parsons, Slater, Walker, White, Wright.—21.

Those who voted for Mr. Irby are, Messrs. Bradley, Lesueur, Mabry, Saffold, Shepard, Tait of Wilcox.—6.

Neither of the candidates having received a majority of all the votes given the House proceeded to the 5th Ballot.

Those who voted for Mr. Hobbs are, Messrs. Adams, Aldridge, Bibb, Bowden, Davis, Easley, Gibson, Griffin of Marshall, Jack, Lowe, Meadows, Oats, Scott, Seale, Sherrod, Walden of Morgan.—16.

Those who voted for Mr. Clitherall are, Brown of Marion, Coleman, Hale, Martin, Musgrove, Neal, Ramsey, Seay, Whitfield.—9.

Those who voted for Mr. Smith are, Bowen, Brown of Tuscaloosa, Bryan, Calhoun, Carlisle, Clayton, Cunningham, Dark, Ferrell, Flake, Fountain, Goldsmith, Griffin of Dale, Herman, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Jones, Knox, Lane, McMurry, Rice, Smith of Coosa, Starke,

Tate of Macon, Taylor, Thomas, Walden of Coosa, Warren.—31.

Those who voted for Mr. Cooper are, Burgess, Clapp, Clifton, Cowan, Hardwick, Thornton.—6.

Those who voted for Mr. Meek are, Abney, Barlow, Bell, Brooks, Bush, Carter, Cary, Davidson, Fielder, Forney, Forsyth, Gilchrist, Griffin of Jackson, Hearin of Clarke, Herron of Tallapoosa, Hightower, Latham, Lesueur, Lloyd, Overall, Parsons, Slater, Walker, White, Wright.—25.

Those who voted for Mr. Irby are, Bradley, Mabry, Saffold, Shepard, Tait of Wilcox.—5.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the 6th ballot, the name of Mr. Cooper being withdrawn.

Those who voted for Mr. Hobbs are, Adams, Aldridge, Bibb, Bowden, Davis, Easley, Gibson, Griffin of Marshall, Jack, Lowe, Oats, Scott, Seale, Sherrod, Walden, of Morgan.—15.

Those who voted for Mr. Clitherall are, Brown of Marion, Coleman, Hale, Martin, Musgrove, Neal, Ramsey, Seay, Whitfield.—9.

Those who voted for Mr. Smith are, Bowen, Brown of Tuscaloosa, Bryan, Ferrell, Flake, Fountain, Goldsmith, Griffin of Dale, Herman, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Jones, Knox, Lane, McMurtry, Rice, Smith of Coosa, Starke, Tate of Macon, Taylor, Walden of Coosa, Warren.—25.

Those who voted for Mr. Meek are, Abney, Barlow, Bell, Brooks, Burgess, Bush, Carlyle, Carter, Cary, Clapp, Clifton, Cowan, Davidson, Fielder, Forney, Forsyth, Gilchrist, Griffin of Jackson, Hardwick, Hearin of Clarke, Herron of Tallapoosa, Hightower, Hudgins, Latham, Lesueur, Lloyd, Meadows, Overall, Slater, Thornton, Walker, White, Wright.—33.

Those who voted for Mr. Irby are, Bradley, Mabry, Saffold, Shepard, Tait of Wilcox.—5.

Neither of the candidates having received a majority of all the votes cast, the House proceeded to the seventh ballot, the name of Mr. Clitherall having been withdrawn.

Those who voted for Mr. Hobbs are, Adams, Aldridge, Bibb, Bowden, Brown of Marion, Davis, Easley, Gibson, Griffin of Marshall, Jack, Lowe, Oats, Scott, Sherrod, Walden of Morgan.—15.

Those who voted for Mr. Smith are, Brown of Tuscaloosa, Bryan, Calhoun, Clayton, Cunningham, Dark, Flake, Fountain, Goldsmith, Griffin of Dale, Humphries, Jones, Knox, Lane,

Rice, Smith of Coosa, Starke, Taylor, Thomas, Walden of Coosa, Warren.—21.

Those who voted for Mr. Meek are, Abney, Barlow, Bell, Bowen, Brooks, Burgess, Bush, Carlyle, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Davidson, Ferrell, Fielder, Forney, Forsyth, Gilchrist, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hudgins Latham, Lesueur, Lloyd, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Seay, Slater, Tate of Macon, Thornton, Walker, White, Whitfield, Wright.—47.

Those who voted for Mr. Irby are, Mabry, Saffold, Shepard, Tait, of Wilcox, Bradley, Hale.—6.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the eighth ballot, the name of Mr. Hobbs being withdrawn.

Those who voted for Mr. Smith are, Brown of Tuscaloosa, Bryan, Calhoun, Clayton, Cunningham, Dark, Flake, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Herman, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Jones, Knox, Lane, Lowe, Rice, Scott, Sherrod, Smith of Coosa, Starke, Thomas.—27.

Those who voted for Mr. Meek are, Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowen, Bowden, Brooks, Brown of Marion, Burgess, Bush, Carlyle, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cooper, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hudgins, Humphries, Jack, Latham, Lesueur, Lloyd, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Seay, Seale, Slater, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walden of Morgan, Walker, White, Whitfield, Wright.—61.

Those who voted for Mr. Irby are, Bradley, Mabry, Saffold, Shepard, Tait of Wilcox, Warren.—6.

Mr. Meek having received a majority of all the votes cast, was escorted to the chair by a committee composed of Messrs. Irby, Smith of Lauderdale and Whitfield, took his seat was qualified and entered upon the discharge of his duties.

On motion of Mr. Clitherall, the House proceeded to the election of principal clerk, Albert Elmore of Montgomery alone being in nomination, and having received all the votes cast, (to-wit ninety-five) was declared by Mr. Speaker duly elected clerk, was qualified, and entered upon the discharge of his duties.

On motion of Mr. Starke, the House proceeded to the election of assistant clerk.

Samuel B. Brewer alone being in nomination, and having received all the votes cast (to-wit ninety-three) was declared by Mr. Speaker duly elected assistant clerk, was qualified and entered upon the discharge of his duties.

On motion of Mr. Irby, the House proceeded to the election of Engrossing clerk, Messrs. Carden, Moore, Phillips and Workman being in nomination.

Those who voted for Mr. Carden are, Mr. Speaker, Abney, Aldridge, Barlow, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Cary, Clapp, Clifton, Coleman, Cooper, Cowan, Davidson, Easley, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Latham, Lesueur, Lloyd, Lowe, Mabry, Martin, Musgrove, Overall, Parsons, Ramsey, Saffold, Scott, Seay, Seale, Sherrod, Slater, Smith, of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Wright.—68.

Those who voted for Mr. Moore are, Bell, Bowen, Brooks, Carlysle, Carter, Clayton, Davis, Ferrell, Goldsmith, Hightower, McMurry, Meadows.—12.

Those who voted for Mr. Phillips are, Dark, Herren of Tallapoosa, Lane.—4.

Those who voted for Mr. Workman are, Bryan, Clitherall, Cunningham, Flake, Gilchrist, Jones, Rice, Tate of Macon, Whitfield.—9.

Mr. Carden having received a majority of all the votes given was declared by Mr. Speaker duly elected and was qualified.

The House proceeded to elect a Doorkeeper, Messrs. Proctor, Heard, Newton, Crawford, Maples, Dunlap, Nall, Mathew, Estep, Mullins, Gibson, Jones, Buson, Meadows, Brown, Coker, Cloud, Bland, Humphries, Starr, being in nomination.

Messrs. Clapp, Griffin of Marshall, voted for Mr. Proctor.—2.

Messrs. Adams, Lane, voted for Mr. Newton.—2.

Messrs. Bush, Davidson, Forney, Lloyd, Mabry, Ramsey and Wright, voted for Mr. Crawford.—7.

Messrs. Barlow, Davis, Hobbs, Latham, Lowe, Scott, voted for Mr. Maples.—6.

Messrs. Smith of Coosa, Taylor and Walden of Coosa, voted for Mr. Dunlap.—3.

Messrs. Clayton, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Knox, Starke and Warren, voted for Mr. Nall.—8.

Messrs. Bell, Carter, Herrin of Tallapoosa, Hubbard, Jack, Musgrove, Parson and Seay, voted for Mr. Mathew.—8.

Messrs. Abney, Carey, Hearin of Clarke, voted for Mr. Estep.—3.

Messrs. Bowen, Bryan, Calhoun, Cunningham, Dark, Ferrell, Hightower, Holley of Tallapoosa, McMurry, Tate of Macon, voted for Mr. Mullin.—10.

Messrs. Herman, Sherrod, Smith of Lauderdale and Walden of Morgan, voted for Mr. Gibson.—4.

Messrs. Rice and Saffold, voted for Mr. Jones.—2.

Messrs. Alldridge, Easley, Gibson and Martin, voted for Mr. Buson.—4.

Messrs. Carlysle and Meadows, voted for Mr. Meadows.—2.

Messrs. Speaker, Brown of Marion, Brown of Tuscaloosa, Clitherall, Coleman, Flake, Forsyth, Hale, Neal, Oates, Walker and Whitfield, voted for Mr. Brown.—12.

Messrs. Bibb, Bowden, Burgess, Clifton, Cooper, Cowan, Fielder, Hardwick, Seale, Thomas and Thornton, voted for Mr. Coker.—11.

Messrs. Griffin of Jackson, Holley of Covington and Hudgins, voted for Mr. Cloud.—3.

Messrs. Bradley, Huckabee, Irby, Lesueur, Overall, Shepard, Tait of Wilcox and White, voted for Mr. Bland.—8.

Mr. Humphries, voted for Mr. Humphries.—1.

Mr. Jones, voted for Mr. Starr.—1.

The House proceeded to the second ballot :

Messrs. Clapp, Griffin of Marshall, voted for Mr. Proctor.—2.

Mr. Saffold, voted for Mr. Jones.—1.

Messrs. Bush, Davidson, Forney, Lloyd, Mabry, Ramsey and Wright, voted for Mr. Crawford.—7.

Messrs. Barlow, Bell, Davis, Hobbs, Latham Lowe and Scott, voted for Mr. Maples.—6.

Messrs. Smith of Coosa, Taylor, Walden of Coosa, voted for Mr. Dunlap.—3.

Messrs. Clayton, Fielder, Gilchrist, Goldsmith, Griffin of Dale, Holley of Covington, Knox, Starke and Warren, voted for Mr. Nall.—9.

Messrs. Aldridge and Lane, voted for Mr. Newton.—2.

Messrs. Adams, Carey, Hearin of Clarke, voted for Mr. Estep.—3.

Messrs. Bowen, Bryan, Calhoun, Carlysle, Cunningham, Dark, Ferrell, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, McMurry, Meadows and Tate of Macon, voted for Mr. Mullins.—13.

Messrs. Herman, Sherrod, Smith of Lauderdale, Walden of Morgan, voted for Mr. Gibson.—4.



Messrs. Aldridge, Bibb, Brooks, Easley, Gibson, Martin, voted for Mr. Buson.—6.

Messrs. Speaker, Brown of Marion, Brown of Tuscaloosa, Clitherall, Flake, Forsyth, Fountain, Hale, Neal, Walker, White and Whitfield, voted for Mr. Brown.—12.

Messrs. Burgess, Clifton, Cooper, Cowan, Hardwick, Seale, Slater, Thornton, voted for Mr. Coker.—8.

Mr. Jones, voted for Mr. Starr.—1.

Messrs. Griffin of Jackson and Hudgins, voted for Mr. Cloud.—2.

Messrs. Bradley, Huckabee, Irby, Lesueur, Overall, Shepard, voted for Mr. Bland.—6.

Mr. Humphries, voted for Mr. Meadows.—1.

Messrs. Carter, Hubbard, Jack, Musgrove, Parsons and Seay, voted for Mr. Mathews.—6.

There being no election the House proceeded to the third ballot :

Messrs. Clapp, and Griffin of Marshall, voted for Mr. Proctor.—2.

Messrs. Bush, Davidson, Forney, Lloyd, Mabry and Wright, voted for Mr. Crawford.—6.

Messrs. Barlow, Davis, Hobbs, Latham, Lowe and Scott, voted for Mr. Maples.—6.

Messrs. Humphries, Smith of Coosa, and Walden of Coosa, voted for Mr. Dunlap.—3.

Messrs. Brooks, Clayton, Fountain, Goldsmith, Griffin of Dale, Holley of Covington, Knox, Starke and Warren, voted for Mr. Nall.—9.

Messrs. Adams and Lane voted for Mr. Newton.—2.

Mr. Carey voted for Mr. Estep.—1.

Messrs. Brown, Bryan, Calhoun, Carlisle, Coleman, Cunningham, Dark, Ferrell, Herrin of Tallapoosa, Hightower, Holley of Tallapoosa, McMurray, Meadows and Taylor, voted for Mr. Mullin.—14.

Mr. Walden of Morgan, and Sherrod, voted for Mr. Gibson.—2.

Messrs. Aldridge, Bibb, Bowden, Easley, Gibson and Martin, voted for Mr. Beeson.—6.

Messrs. Burgess, Clifton, Cooper, Cowan, Gilchrist, Hardwick, Seale and Thomas, voted for Mr. Coker.—7.

Messrs. Griffin of Jackson, and Hudgins, voted for Mr. Cloud.—2.

Messrs. Bradley, Huckabee, Irby, Lesueur, Overall and Shepard, voted for Mr. Bland.—6.

Messrs. Bell, Carter, Hubbard, Jack, Musgrove, Parsons and Seale, voted for Mr. Mathews.—7.

Messrs. Speaker, Abney, Brown of Marion, Brown of Tuscaloosa, Clitherall, Forsyth, Hale, Hearin of Clarke, Neal, Ramsey, Walker, White and Whitfield, voted for Mr. Brown.—13.

There being no election, the House proceeded to the 4th ballot; Messrs. Proctor, Estep, Cloud and Newton, withdrawn.

Messrs. Bush, Davidson, Forney, Lloyd and Wright, voted for Mr. Crawford,—5.

Messrs. Barlow, Clapp, Davis, Griffin of Jackson, Griffin of Marshall, Hobbs, Hudgins, Latham, Lowe and Scott, voted for Mr. Mapler.—10.

Messrs. Smith of Coosa, and Walden of Coosa, voted for Mr. Dunlap.—2.

Messrs. Brooks, Clayton, Fountain, Goldsmith, Griffin of Dale, Holley of Covington, Knox, Starke and Warren, voted for Mr. Nall.—9.

Messrs. Bell, Carter, Coleman, Hubbard, Jack, Musgrove, Overall, Parsons, Seay and Slater, voted for Mr. Mathews.—10.

Messrs. Bowen, Bowden, Bryan, Calhoun, Carlyle, Cunningham, Dark, Ferrell, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Lane, McMurray, Meadows, and Tate of Macon, voted for Mr. Mullins.—15.

Mr. Sherrod voted for Mr. Gibson.—1.

Messrs. Adams, Aldridge, Bibb, Easley, Gibson and Martin, voted for Mr. Beeson.—6.

Messrs. Speaker, Abney, Brown of Marion, Brown of Tuscaloosa, Cary, Clitherell, Forsythe, Gilchrist, Hale, Hearin of Clark, Herman, Ramsey, Walker, White and Whitfield, voted for Mr. Brown.—15.

Messrs. Burgess, Clifton, Cooper, Cowan, Hardwick and Thornton, voted for Mr. Coker.—6.

Messrs. Bradley, Huckabee, Humphries, Irby, Lesueur, Mabry and Shepard, voted for Mr. Bland.—7.

At half-past 3 o'clock, p. m., Mr. Smith of Lauderdale, moved to adjourn until half-past 9 o'clock to-morrow.

Mr. Hubbard moved to adjourn until 10 o'clock to-morrow. Lost.

The question was taken on Mr. Smith's motion and lost.

Mr. Stark moved to adjourn until 9 o'clock to-morrow. Lost.

Mr. Oates moved to adjourn until 7 o'clock, p. m. Lost.

There being no election, the House proceeded to the 5th ballot; Mr. Heard's name being withdrawn.

Messrs. Adams, Aldridge, Bibb, Brooks, Gibson and Martin, voted for Mr. Beeson.—6.

Messrs. Speaker, Abney, Bowden, Brown of Marion, Brown of Tuscaloosa, Cary, Clitherall, Forsyth, Goldsmith, Hale, Hearin of Clarke, Hobbs, Lesueur, Neal, Ramsey, Walden of Morgan, Walker, White and Whitfield, voted for Mr. Brown.—17.

Messrs. Bradley, Humphries, Mabry, Shepard and Wright, voted for Mr. Bland.—5.

Messrs. Bush, Davidson, Forney and Lloyd, voted for Mr. Crawford.—4.

Messrs. Burgess, Clifton, Cooper, Cowan, Hardwick, Oates, Seale, Thomas and Thornton, voted for Mr. Coker.—9.

Messrs. Humphries, Smith of Coosa, and Walker of Coosa, voted for Mr. Dunlap.—3.

Mr. Sherrod voted for Mr. Gibson.—1.

Messrs. Fielder, Rice and Slater voted for Mr. Jones.—3.

Messrs. Bell, Carter, Coleman, Hubbard, Jack, Musgrove and Seay, voted for Mr. Mathews.—7.

Messrs. Bowen, Bryan, Calhoun, Carlisle, Cunningham, Dark, Ferrell, Herrin of Tuscaloosa, Hightower, Holley of Tallapoosa, Lane, McMurray, Meadows, and Tate of Macon, voted for Mr. Mullin.—15.

Messrs. Barlow, Clapp, Davis, Griffin of Marshall, Herman, Hudgins, Latham, Lowe and Scott, voted for Mr. Maples.—9.

Messrs. Clayton, Fountain, Griffin of Dale, Holley of Covington, Knox, Stark and Warren, voted for Mr. Nall.—6.

Mr. Cooper moved to adjourn until 10 o'clock to-morrow.

Lost—Yeas, 25; nays, 61.

Yeas—Messrs. Speaker, Adams, Bowen, Burgess, Calhoun, Carey, Coleman, Cooper, Cowan, Cunningham, Goldsmith, Hale, Holley of Covington, Hubbard, Humphries, Knox, Lesueur, Neal, Overall, Parsons, Ramsey, Scott, Seay, Shepard, Smith of Coosa, and Starke.—25.

Nays—Messrs. Abney, Aldridge, Barlow, Bell, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Carter, Clapp, Clayton, Clifton, Clitherall, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clark, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Irby, Jack, Lane, Latham, Lloyd, Martin, McMurray, Meadows, Musgrove, Oates, Rice, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, White, Whitfield and Wright.—61.

There being no election, the House proceeded to the 6th ballot.

Messrs. Aldridge, Brooks, Gibson and Martin, voted for Mr. Beeson.—4.

Messrs. Speaker, Abney, Adams, Brown of Marion, Brown of Tuscaloosa, Clitherall, Forsyth, Gilchrist, Hale, Hearin of Clark, Herman, Hobbs, Lesueur, Oates, Ramsey, Thomas, Walker, White and Whitfield, voted for Mr. Brown.—19.

Messrs. Bradley, Cary, Cunningham, Huckabee, Irby, Lloyd, Mabry, Musgrove, and Shepard, voted for Mr. Bland.—9.

Messrs. Bush, Davidson, Forney, Neal, Smith, of Coosa, and Wright, voted for Mr. Crawford.—6.

Messrs. Bowden, Burgess, Cooper, Fielder, Hardwick, Seale, Slater, Thornton, voted for Mr. Coker.—9.

Messrs. Humphries, Taylor and Walden, of Coosa, voted for Mr. Dunlap.—3.

Mr. Sherrod voted for Mr. Gibson.—1.

Messrs. Bell, Carter, Coleman, Easley, Hubbard, Jack, Overall, Parson, and Seay, voted for Mr. Mathews.—9.

Messrs. Bowen, Bryan, Calhoun, Carlisle, Dark, Ferrell, Herren of Tallapoosa, Hightower, Holly of Tallapoosa, Lane, Meadows and Rice, voted for Mr. Mullins.—12.

Messrs. Barlow, Davis, Griffin of Marshall, Hudgins, Latham, Love, Scott and Walden of Morgan, voted for Mr. Maples.—8.

Messrs. Clayton, Fountain, Goldsmith, Griffin of Dale, Holly of Covington, Knox, Starke and Warren, voted for Mr. Nall.—8.

There being no election the House proceeded to the 7th ballot. The name of Mr. Maples withdrawn.

Messrs. Aldridge, Brooks, Gibson, Martin, Oats and Scott, voted for Mr. Buson.—6.

Messrs. Speaker, Abney, Adams, Bell, Brown of Marion, Brown of Tuscaloosa, Carey, Clapp, Clitherall, Forsyth, Gilchrist, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hobbs, Hudgins, Lesueur, Taylor, Thomas, Walker, White and Whitfield, voted for Mr. Brown.—23.

Messrs. Bradley, Fielder, Irby, Neal, Shepard, and Slater, voted for Mr. Bland.—6.

Messrs. Bibb, Bush, Carter, Davis, Forney, Lloyd, Parsons, Rice and Wright, voted for Mr. Crawford.—9.

Messrs. Burgess, Clifton, Cooper, Hardwick, Seale and Thornton, voted for Mr. Coker.—6.

Messrs. Humphries and Walden of Coosa, voted for Mr. Dunlap.—2.

Messrs. Sherrod and Walden of Morgan, voted for Mr. Gibson.—2.

Messrs. Easley, Hubbard, Jack, Musgrove, Overall and Seay, voted for Mr. Mathews.—6.

Messrs. Clayton, Fountain, Goldsmith, Griffin of Dale, Holly of Covington, Huckabee, Knox, Starke and Warren, voted for Mr. Nall.—9.

Messrs. Bowen, Bryan, Calhoun, Carlisle, Cunningham, Dark, Ferrill, Herrin of Tallapoosa, Hightower, Holly of Tallapoosa, McMurry, Meadows and Tate of Macon, voted for Mr. Mullins.—13.

There being no election, the House proceeded to the 8th ballot, when the names of Messrs. Buson, Dunlap and Nall were withdrawn.

Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Brooks, Brown of Marion, Brown of Tuscaloosa, Cary, Clitherall, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hobbs, Hudgins, Knox, Lesueur, Neal, Oats, Scott, Smith of Lauderdale, Starke, Taylor, Thomas, Walden of Morgan, Warren, White and Whitfield, voted for Mr. Brown.—32.

Messrs. Bradley, Irby and Lane, voted for Mr. Bland.—3.

Messrs. Bell, Bush, Carter, Davidson, Davis, Forney, Huckabee, Lloyd, Parsons, Ramsey, Rice and Wright, voted for Mr. Crawford.—12.

Messrs. Burgess, Clifton, Cooper, Cowan, Fielder, Goldsmith, Hardwick, Seal, Slater and Thornton, voted for Mr. Coker.—10.

Messrs. Easley, Fountain, Hubbard, Musgrove and Seay, voted for Mr. Mathews.—5.

Messrs. Bowen, Bryan, Calhoun, Clayton, Cunningham, Davidson, Dark, Ferrell, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, McMurry, Tate of Macon, voted for Mr. Mullins.—13.

Messrs. Humphries, Meadows, Smith of Coosa and Walden of Coosa, voted for Mr. Meadows.—4.

There being no election, the House proceeded to the 9th ballot, when the names of Messrs. Bland, Coker and Mathews were withdrawn.

Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Bibb, Bowden, Brooks, Brown of Marion, Brown of Tuscaloosa, Cary, Clapp, Clitherall, Coleman, Cowan, Fielder, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Hearman, Hobbs, Hubbard, Jack, Knox, Lesueur, Musgrove, Oates, Rice, Scott, Seale, Sherrod, Thomas, Walden of Morgan, White and Whitfield, voted for Mr. Brown.—40.

Messrs. Bell, Bradley, Burgess, Bush, Clifton, Cooper, David-

son, Davis, Easley, Forney, Griffin of Dale, Hardwick, Huckabee, Lloyd, Martin, Neal, Parsons, Ramsey, Thornton, Walden of Coosa and Wright, voted for Mr. Crawford.—21.

Messrs. Bowen, Bryan, Calhoun, Dark, Ferrell, Herren of Tallapoosa, Hightower, Holly of Covington, Holly of Tallapoosa, Irby, Lane, McMurry, Smith of Lauderdale, Starke and Tate of Macon, voted for Mr. Mullins.—16.

Messrs. Carlisle, Humphries, Meadows and Smith of Coosa, voted for Mr. Meadows.—4.

There being no election, the House proceeded to the tenth ballot, when the names of Messrs. Mullins and Meadows were withdrawn.

Messrs. Speaker, Adams, Aldridge, Barlow, Brooks, Brown of Marion, Brown of Tuscaloosa, Cary, Clapp, Clitherall, Coleman, Gibson, Gilchrist, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hubbard, Jack, Knox, Lesueur, Musgrove, Oats, Ramsey, Scott, Seale, Smith of Lauderdale, Starke, Taylor, Thomas, Walden of Morgan, White and Whitfield, voted for Mr. Brown.—33.

Messrs. Bell, Bowen, Bradley, Bryan, Burgess, Bush, Carlisle, Carter, Clayton, Clifton, Cooper, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Holly of Covington, Holly of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lloyd, Martin, McMurry, Meadows, Neal, Parsons, Rice, Seay, Slater, Smith of Coosa, Tate of Macon, Thornton, Walden, Warren and Wright, voted for Mr. Crawford.—51.

Mr. Crawford having received a majority of the whole number of votes cast, was qualified and entered upon the discharge of his duties.

Mr. Hale offered the following resolution, which was adopted :

*Resolved*, That the clerk inform the Senate, that the House of Representatives has organized by electing A. B. Meek, speaker ; Albert Elmore, principal clerk ; S. B. Brewer, assistant clerk ; C. C. Carden, engrossing clerk, and Jno. H. Crawford, door-keeper, and is now ready to proceed to business.

Mr. Smith of Lauderdale, offered the following resolution, which was adopted :

*Resolved*, That a committee of three be appointed on the part of the House, to co-operate with a like committee on the part of the Senate, to inform the Governor that the two houses have organized, and are now ready to receive any communication he may have to make. Messrs. Smith of Lauderdale, Clitherall and Hearin of Clarke, compose said committee.

Mr. Hale offered the following resolution, adopted :

*Resolved*, That the rules of the House of Representatives of the last General Assembly be, and the same are hereby adopted as the rules of this House, until otherwise ordered, and that one hundred and thirty-three copies be printed for the use of the Senate and House of Representatives.

Mr. Smith offered the following resolution, which on motion of Mr. Clitherall, was ordered to lie upon the table.

*Resolved*, That the speaker appoint the following standing committees, a committee on the judiciary; ways and means; State bank and branches; privileges and elections; military; internal improvements; education; propositions; agriculture; accounts; State printing; county boundaries; enrolled bills; divorce and alimony; roads; bridges and ferries; State capitol; corporations; federal relations; penitentiary; sixteenth section fund; banks and banking; insane hospital.

Mr. Rice moved, that when the House adjourns, it adjourns to meet on Wednesday morning at ten o'clock. Carried.

When on motion of Mr. Cooper, the House adjourned.

WEDNESDAY MORNING. Nov. 16, 1859.

The House met pursuant to adjournment.

On motion of Mr. Clitherall, the reading of the journal was partly suspended.

Mr. Chambers from Barbour, appeared within the hall of the House, was qualified and took his seat.

Mr. Speaker laid before the House the report of Whitfield and Fitts, bank attorneys, which was ordered to lie on the table.

Also, sundry records of divorce, which were referred to committee on divorce and alimony when raised.

Mr. Irby moved to suspend the call of counties, to allow him to offer a resolution. Lost.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Hardwick : to levy a special tax to build a jail in the county of Cherokee.

Mr. Cooper : to protect growing crops from levy and sale.

Mr. Mabry : to enable the creditors of Phillip Barton, deceased, to prove their claims.

Mr. Hale : to amend proceedings in chancery ; also, to re-arrange and fix the time of holding the courts of chancery in the middle chancery division.

Mr. Huckabee: incorporating the town of Newbern in Greene county.

Mr. Saffold: to incorporate the Montgomery and Eufaula Rail Road Company.

Mr. Starke: amendatory of the act to incorporate the town of Troy, approved 4th February, 1843; also, to give the Judge of Probate of Pike county jurisdiction of the estate of Jas. E. Crosswell, deceased.

Mr. Knox: to prohibit the sale of spirituous liquors within one mile of the village of Clay Hill, in the county of Pike.

Mr. Whitfield: to provide for the payment of detached halves of bank bills, issued by the Bank of the State of Alabama; also To regulate the distribution of estates to surviving husband and wife in certain cases therein named.

Which bills were severally read and ordered to a second reading.

Mr. Gilchrist: for the relief of the administrators of Haley Hutchinson, deceased, which was read first time; constitutional rule suspended; read second and third times, and passed.

Message from the Senate by Mr. Taul:

Mr. Speaker: The Senate has passed the following resolution:

*Resolved*—That the Secretary of the Senate be requested to inform the House that the Senate has organized by the election of Hon. Jno. D. Rather, of Limestone and Morgan, as President; Micah Taul of Talladega, Principal Secretary; Wm. F. Roberts of Dekalb, as Assistant Secretary; W. J. B. Padgett of Jackson, as Doorkeeper; and are now ready to proceed to business.

*Resolved*: That a committee of three be appointed on the part of the Senate to co-operate with a like committee on the part of the House, to inform the Governor that the two Houses have organized, and are now ready to receive any communication he may have to make. Messrs. McSpadden, Jackson and Brewer are appointed said committee.

Mr. Griffin of Marshall, presented the petition of Green B. Loveless, of Marshall county, which was referred to Committee on Accounts, when raised.

Mr. Brown of Tuscaloosa, presented the petition of Wm. A. Bishop, which was referred to Committee on Sixteenth Section, when raised.

The committee appointed to wait upon the Governor reported through Mr. Smith of Lauderdale, they had discharged the duties assigned them, and that his Excellency would communicate at once to the House his biennial message.



Mr. Speaker laid before the House the reports of the Comptroller and Treasurer, which, on motion of Mr. Smith, of Lauderdale, were ordered to lie on the table.

On motion of Mr. Clitherall it was ordered that the Door-keeper receive the proportion of each report due the House, and that the Comptroller and Treasurer each withhold 100 copies of the respective reports for the use of their offices.

Message from the Governor.

Mr. Speaker: I am instructed by His Excellency, the Governor, to deliver to the House of Representatives his biennial message.

WATKINS PHELAN, Private Secretary.

*Gentlemen of the Senate*

*and House of Representatives:*

The Constitution provides that the Governor "shall, from time to time, give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient."

Before proceeding to the discharge of this duty, I must congratulate you on the favorable auspices under which you have assembled. A beneficent Providence has smiled upon our State for the two last years. The people have been exempt from pestilence and famine, and blessed with two abundant harvests; and general prosperity prevails in every branch of business throughout our great State. You have met, then, under circumstances calculated to contribute greatly to sound and practical legislation. You have no financial panic, commercial pressure, or undue excitement, upon any subject, calculated to disturb your deliberations. You may, therefore, reasonably expect that your session will be short, your labors pleasant and beneficial to the State.

It will be my pleasure, as well as duty, to co-operate with you in all matters of legislation, calculated to promote the public interests.

## FINANCES.

By reference to the report of the Treasurer, it will be seen that on the 30th of September, 1859, there remained in the treasury, after making all the disbursements required by law, and after burning the bills of the State Bank and Branches, as required by an act of the last Legislature, six hundred and thirty-one thousand, six hundred and seventy-nine dollars.

The report shows that our State finances are in a healthy con-

dition, and that with prudence and economy, we shall be able to discharge our indebtedness without an increase of taxes.

The bonds of the State, now outstanding, amount to \$3,482,000 of which amount \$1,964,000 will mature in May, 1863. It will be optionary with the State to pay, or extend these bonds at maturity. Not doubting that it is the true policy of Alabama, to free herself from all indebtedness on her outstanding bonds, at as early day as practicable, I recommend that the Legislature, at its present session, take the necessary steps to provide means for their punctual payment as they become due. Upon an examination of the reports of the Controller and Treasurer, it appears that the present revenue laws, if undisturbed, will produce a fund snfficient, in due time, to meet these payments. In this estimate, is included the amount now in the treasury, the North Carolina and Virginia bonds, and the debt that will be due from the Mobile and Ohio Rail Road Company. If it be the will of the present Legislature, that this debt should not be extended, provision must be made for its payment. It cannot, safely, be postponed for the action of the next Legislature.

The propriety of reducing the taxes was, to some extent, discussed during the late canvass. It is to be hoped, that no effort for this purpose will be made. It is clear, that any material reduction of the revenue arising from taxation, or any large appropriations from the treasury for other purposes, will force upon the State the necessity of extending the debt referred to. After this debt is extinguished, a heavy reduction of taxes may, and should be made.

For more accurate and specific information, on this subject, I refer you to the reports of those two faithful public officers, the Controller and Treasurer.

## STATE BANK AND BRANCHES.

Under the authority of an act, approved February 6, 1853, an attorney was appointed by me, for the State Bank and each of the Branches. The aggregate amount paid into the treasury by them, was \$36,749,23, on 30th September, 1859.

The following sums were paid by the different banks:

|                             |           |
|-----------------------------|-----------|
| State Bank.....             | \$990 73  |
| Branch Bank at Decatur..... | 2,488 46  |
| “ “ “ Huntsville.....       | 382 93    |
| “ “ “ Montgomery.....       | 6,988 24  |
| “ “ “ Mobile.....           | 25,898 87 |

The result shows, that there is no necessity for keeping up

the present system of winding up the affairs of any of these banks, except the Branch at Mobile. From the amount collected and secured by Mr. H. B. Holcombe, the attorney for that Bank, and the information received from him, in regard to the remaining assets, I am of opinion, that the present law should be continued as to that institution. The bad and doubtful debt, yet unsettled, is very large, and the attorney who has, for many years been connected with the Bank, first as Cashier, and afterwards as Commissioner under Mr. Lyon, and Mr. Whiting, informs me that he is satisfied the State can realize more money from these debts, under the present law, than by a sale of the unsettled claims. His integrity, and his knowledge of the character of the debtors to that institution, entitle his opinion to much weight.

It is difficult to determine what is the best course to be pursued in regard to the remaining effects of the other Banks. The attorneys, with all their vigilance, and the stimulant of fifty per cent. commissions on the bad and doubtful debts, have collected but very small amounts. This may be taken as the highest evidence, that but little more can be realized from these claims. I doubt the policy of selling the unsatisfied judgments in favor of these banks, as it may originate much unprofitable litigation, and cause some good men to pay debts a second time. But as no better plan for making a final disposition of these effects, presents itself to my mind, I suggest that the unsatisfied claims of each of said banks, the Mobile Branch excepted, be sold in January, 1861, at public outcry, for cash, after giving three months notice of the time and place of sale. The sale of the assets of each bank should be made at the place of its location. The law should carefully protect the State from all costs and damages created in enforcing the collection of debts sold. It is further recommended, that such books of the banks, as it may be necessary to preserve, be transferred, after such sale, to the office of the Controller, for safe keeping and reference. Should the purchasers of claims desire transcripts from these books, the Controller should be authorized and required to give them, upon being paid by the applicant the usual fees for such services, and such transcripts properly certified, should be made evidence of the contents of the books.

## CENTRAL AND COMMERCIAL BANKS.

The Central and Commercial Banks promptly and strictly complied with the conditions imposed on them by the act legal-

izing their suspension of specie payments, and resumed the payment of specie on the 1st day of July, 1858.

This act enabled them to do much for the relief of the pressure that then existed—by the extension of debts, and furnishing means to purchase the crop of cotton then in market.

## EASTERN BANK OF ALABAMA.

This institution after complying with all the prerequisites imposed by its charter, was authorized to commence banking, and is now in successful operation. It is to be hoped that the currency of this bank will entirely relieve the people in the South-Eastern counties of Alabama from the necessity of receiving and circulating the notes of the banks of other States. So long as we have banks of our own, they should furnish the paper circulation of the State. Public policy demands it, and it is necessary for the better security of our citizens. The legislation of the State should be such as to exclude, if possible, from circulation, the notes of foreign banks within her limits.

## JUDICIARY.

Since the last session of the General Assembly, the Hon. Samuel F. Rice, Chief Justice of the Supreme Court, resigned his office, and the Hon. Richard W. Walker was appointed to fill the vacancy thus occasioned. He entered upon the discharge of his duties on the 26th day of January, 1859. It gives me pleasure to be able to say, that his appointment has given general satisfaction, and that he has shown himself to be an able and faithful judge. His commission expires at the close of the session of the Legislature. It, therefore, devolves upon you to elect a judge to fill the vacancy that will be then created.

I deem it my duty to call your attention to the inadequacy of the salaries, of the Sureme and Circuit Court Judges and Chancellors. When the present salaries were fixed by law they were considered reasonable and just. Since that time most of the expenses to which the judges are compelled to submit, have greatly increased, without any diminution of their labors. The effect of this has been to drive from the Supreme and Circuit Court benches, some of our most able and faithful judges.

Within a few years past Judges Dargon, Gibbons, Chilton, Goldthwaite and Rice, of the Supreme Court, and Judges Pettus and Brooks, of the Circuit Court, have resigned their offices.

Not a single judge is now upon the Supreme Court bench, who presided five years since. Permanency in that Court is

much to be desired; it is a court of the last resort, and its decisions are as much the laws of the land, as the statutes enacted by the Legislature. It finally settles the rights of persons and property in a large number of cases. It is therefore, of the highest importance, that their decisions should be overruled as seldom as possible. It is frequently better to submit to an erroneous decision, than to disturb settled principles. We cannot expect that their decisions will be as harmonious and consistent where such frequent changes are made in the Court, as if it were more permanent. These changes will continue so long as the salary, and the cost of living remain as they now are. The high and honorable character of the position induces men of the most profound legal attainments to seek it; but the immense amount of labor they have to perform, and the insufficiency of the salary force them in a short time to resign, and return to the practice where their labors are less onerous and better rewarded. It will be seen upon examination, that the Supreme Court of Alabama decides more cases than any Supreme or Appeal Court in the Southern States. In view of the facts stated, I respectfully suggest, that the salaries of these judges be raised to four thousand dollars. Much of what has been said is applicable to our Circuit Court judges and chancellors. It is manifest that if the salary of two thousand dollars was not too much when it was fixed, it is not enough now, if we consider the great increase of their necessary expenses. No one can doubt that it is the duty of the State to secure and retain upon the Chancery and Circuit benches, lawyers of the highest integrity and legal attainments, for the better protection of persons and property. This can only be done by giving them reasonable salaries. As a general rule, an attorney who cannot make more than two thousand dollars by his practice, is not very well qualified to discharge the duties of judge or chancellor. I intend, by this declaration, no reflection upon these courts, as now constituted, for I presume our chancellors and judges will compare favorably, with those of other States. But the facts show that they cannot be retained in office, unless they happen to be gentlemen who have other sources of income, or are without families.

Alabama has an area of territory of more than fifty thousand square miles—has nine judges, and pays them an annual salary of two thousand dollars each, making in the aggregate, eighteen thousand dollars. The State of Georgia, containing but little more territory, has sixteen circuit court judges, and pays each an annual salary of \$2,500, making in the aggregate \$40,000. Louisiana with less territory, has eighteen circuit court judges,

not including the city of New Orleans, and pays each an annual salary of \$2,500, making in the aggregate \$45,000. Tennessee with less territory, has fifteen circuit court judges, and pays each an annual salary of \$2,000, making in the aggregate \$30,000. Mississippi with less territory, has ten circuit court judges, and pays each an annual salary of \$2,500, making in the aggregate \$25,000. I have been thus particular, in referring to these States, because the character of the litigation is the same, and to show that each of them pay to their circuit judges in the aggregate much more than our own State. Their ability to pay reasonable salaries, or their interest in the courts is not greater than ours. I, therefore, recommend that the salaries of the Chancellors and Circuit Judges should be raised to three thousand dollars. Should this be done, Alabama will then pay her Circuit Judges, annually, three thousand dollars less than Tennessee, thirteen thousand less than Georgia, and eighteen thousand less than Louisiana.

## PUBLIC SCHOOLS.

On the —— day of ———, 1858, Mr. William F. Perry, the Superintendent of Public Schools resigned his office, to take effect on the 1st day of September, 1858. Mr. Gabriel B. du Val was appointed to fill the vacancy, and on that day, entered upon the discharge of his duties. The resignation of Mr. Perry was much to be regretted, as he was an able and faithful officer, and did much to advance and perfect our system of public schools. I consider the State fortunate in securing the services of Mr. du Val. He is in every respect qualified for the position assigned him, and is a fit successor of Mr. Perry.

For the present condition of the public schools, and the working of the system, I refer you to his report.

It is suggested that an effort will be made at your present session, to abolish the office of Superintendent, and require the duties of that officer to be performed by the Controller, upon the ground of economy.

It occurs to me, that those who contemplate making this change have not maturely considered the subject. The education of the children of the State, is one of the most sacred duties of parents, and the government. The constitution declares "that schools, and the means of education shall forever be encouraged in this State." The Legislature, in the discharge of this constitutional obligation, has wisely instituted a system of common schools, intended to extend to the poorer classes of children the opportunity of learning to read and write. This

system is yet in its infancy, and imperfect, and consequently there should be at the head of this department, a man of learning and practical judgment, to manage its affairs, and digest and recommend plans for its improvement. Any policy calculated to cripple, or retard its progress should be avoided.

The duties of the Contoller are already onerous, and to impose upon him the duties of Superintendent, will make it necessary to give him an additional clerk, so that little will be saved in money; the only reason, I suppose, that could be rendered for abolishing the office. The Controller, with the amount of business that would be cast upon him, would not have the time necessary to be devoted to the consideration and improvement of the school system. Feeling assured that the cause of education would not be promoted by such a change, I respectfully suggest, that it ought not to be made. No mode of extending the benefits of public schools, now occurs to me, except the appropriation of more money, and this I deem inexpedient at this time. After the payment of our bonds falling due in 1863, the treasury will be in a condition to authorize larger appropriations for this purpose.

It is supposed by some that the County Superintendents might well be dispensed with, and the duties performed by them imposed on the County Treasurers, so as to add something to the educational fund. There are many important duties required of these officers, besides the disbursements of the school fund, which the County Treasurer could not be expected to perform, without pay for his services; so that little, or nothing could be saved in this way. It will also be found, that County Treasurers are not always qualified for Superintendents of public schools. The experiment of having County Superintendents, without pay for their services, has been tried, and proved a failure. A change in this respect in my opinion, will embarrass the execution of the school laws, and be a real hindrance to the success of the system.

## DEAF AND DUMB.

In obedience to the requirments of an act of the Legislature, approved 4th February, 1858, the Superintendent of public schools and myself, located the school for the deaf and dumb at the town of Talladega, and appointed a teacher, Dr. Joseph H. Johnson, who had been successfully engaged, in a similar institution in the State of Georgia. He came very highly recommended and his efforts thus far, prove him to be peculiarly well qualified to take charge of, and instruct this unfortunate class of

our population. The school has been in operation for one session only, with twenty pupils in attendance. The committee appointed to attend the closing exercises at the end of the session, have made a very favorable report, as to the progress of the scholars, and the qualifications of Dr. Johnson, for his delicate and responsible position. The good and charitable work of educating this afflicted class of persons, has been so successfully begun by our State, that I cannot doubt, the Legislature will make the necessary provisions for continuing the school. With the limited means appropriated, we had much difficulty in securing a proper building for the school. The good citizens of Auburn proposed to give to the State, a beautiful lot of ground, in a healthy location, as an inducement to locate the school at that place. But there being no building on the lot suitable for a school and boarding house, we were consequently compelled to decline this liberal proposition, not having means sufficient to erect the necessary buildings. We afterwards rented the building in the town of Talladega, known as the Masonic Institute, where the school is located.

This building is large, commodious and substantial, with all the necessary out-buildings for a boarding school. The location is a good one, as regards health and accessibility, being at the present terminus of the Alabama and Tennessee Rivers railroad. The citizens of Talladega constitute an intellectual and moral community, and I know of no more eligible location for the school. I am informed that the buildings and grounds, containing about sixteen acres, can be purchased for a little more than half the original cost. I presume, that the purchase of this establishment, will be as economical an arrangement, as the State can make, for establishing a permanent school. I therefore recommend, that provision be made for its purchase, and that it be done at an early day, as the present lease terminates with the last day of December next.

### SCHOOL LANDS.

By an act of the last Legislature, I was authorized and required to appoint an agent to value the lands "located in the States of Arkansas and Louisiana, for the benefit of the inhabitants of certain townships in the Chickasaw cession, in lieu of certain reservations on 16th Sections." Two gentlemen were appointed from the county of Franklin, both of whom declined to act, after accepting the appointment. The Hon. J. W. Pennington, late representative of Choctaw county, was then appointed. In preparing the necessary papers for him, I dis-



covered that there were only 1,081 91-100 acres, to which the State had titles. The balance, consisting of 10,990 acres has been located, but there is no evidence that elections have been ordered or held in any of the townships, for which the lands were selected, as required by law to ascertain whether or not the voters of these townships would ratify the selections made for them. In order to vest the title in the State, the assent of the several townships must be given as prescribed by law. This, so far as can be ascertained from the papers on file, has not been done; consequently, no title vests in the State for the 10,990 acres. Not being satisfied that I could order elections to be held to ascertain the sense of the townships without further legislation, I instructed Mr. Pennington not to enter on his duties without further instructions from this department. Your attention is called to this subject, that the proper steps may be taken to secure the titles to the lands in question.

## GEOLOGICAL REPORT.

The late Prof. Tuomey, under an act of the Legislature, approved February 3rd, 1854, was appointed State Geologist. His first and only report, under this appointment, was prepared and presented to the Legislature at the session of 1855-'56. Three thousand copies were then ordered to be printed. A portion of the manuscript was handed over to Bates & Lucas, the public printers, with instructions to print the same. Some of the proof-sheets were sent to Prof. Tuomey, at Tuscaloosa, for correction. In consequence of the delay of the printers, no further progress was made with the work during his life time. After his death, Governor Winston, on the 24th of April, 1857, appointed Prof. Mallett, of the State University, to supervise the publication of the report. In the meantime, Mr. Bates, of the firm of Bates & Lucas died, and the firm was insolvent.

These, and other reasons, induced the last Legislature to pass the following joint resolutions: "Be it resolved, &c., that the Governor of the State, &c., be, and he is hereby authorized and required to inquire into and settle the account of Bates & Lucas, late State printers, or the survivor, or proper representative of either of them, for printing done on the Geological report of Mr. Tuomey, late State Geologist, that in making up and stating the account of said Bates & Lucas, the Governor shall take into consideration any damages to the State, from delay or loss of manuscript, or otherwise, and shall scale or reduce the account accordingly, &c." Under this resolution, I made a settlement with Mr. W. B. Hughes, who had done the printing, and repre-

sented the interest of Bates & Lucas. No deduction was made from the account, for the reason that I could not show, with any certainty, that the delay which had been occasioned, was entirely attributable to Bates & Lucas; nor could I show that the missing manuscript was ever in their possession. Mr. Hughes insisted that all the manuscript placed in the hands of Bates & Lucas, had been printed, and was contained in that part of the printing for which I settled with him. He also denied that the delay was solely occasioned by the printers, but insisted that the want of the manuscript was the principal cause. This, I was not able, successfully, to controvert. I caused diligent search to be made in the office, and among the papers of Bates & Lucas, but could find no part of the missing manuscript. Afterwards, Prof. Mallett, who had been re-appointed by me to supervise the publication of the report, found a considerable portion of it among the papers of the late Prof. Tuomey. As there was not sufficient proof to have sustained a suit for damages against the securities of Bates & Lucas, no suit was instituted.

The confused condition of the papers, made it a very laborious and difficult matter to arrange them properly, for publication. Prof. Mallett did, however, succeed in bringing order out of confusion, and the report has been published, containing two hundred and ninety-two pages, in a manner that reflects much credit upon him. The report is, of course, not so full and valuable as it would have been, had the distinguished author lived to complete it, yet it will be found, as published, to contain much valuable information.

## PENITENTIARY.

Commissioners were appointed, under an act, approved the 8th of February, 1858, to settle with Jordan & Moore, late lessees of the Penitentiary. They proceeded in due time, to make the settlement, and reported the same to me, which report was approved and filed in the proper department. The Commissioners were instructed not to take into consideration the unsettled question between the late lessees and my predecessor, as to whether the lessees or the State was entitled to receive the fees due from the Federal Government, for keeping her convicts. It involved a legal question, which they, not being lawyers, were deemed incompetent to decide. The question was afterwards examined by me, with much care, aided by a well considered written opinion from the Attorney General. There was no conflict in our legal conclusions. In consideration of the sum

of five hundred dollars to be paid annually, by Jordan & Moore, the State leased to them the Penitentiary, without any reservation as to the fees for keeping the prisoners of the General Government. It was, in our opinion, an entire contract between the lessees and the State, without reservation, under which the State was entitled annually to receive from Jordan & Moore, five hundred dollars, in consideration of which, they were entitled to receive the entire income from the Penitentiary. The claim for these fees was therefore abandoned, on the part of the State.

At the termination of the lease of Jordan & Moore, the penitentiary was leased to Dr. Ambrose Burrows, for the sum of fifteen hundred and fifty dollars per annum. This is an advance of one thousand and fifty dollars, over the bid of the former lessees, and will be ample, I presume, to make all the necessary repairs and improvements. A release of all claim to the fees for keeping the convicts of the General Government was executed by Dr. Burrows, so that no difficulty can arise hereafter in regard to this matter.

There are two hundred and sixteen convicts in the Penitentiary, and among these are six females. There should be a separate and distinct apartment for them, so that they could be kept out of view of the males. The lessee, in order to effect the object, is compelled to keep the women so closely confined that it is well calculated to destroy their health. Different arrangements should be made for them, or they should be discharged from prison. This can be done without any appropriation from the treasury. Humanity, and the good government of the institution demand it. I therefore recommend, that an act be passed, authorizing and requiring the lessee to make the improvements necessary for this purpose, to be paid out of the annual rents. So far as I am advised, the lessee has been faithful in the discharge of his duties.

## DIGEST OF LAWS.

Section 20th of the sixth article of the State Constitution provides, that "within five years after the adoption of the Constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated in such manner as the General Assembly may direct; and a revision, digest and promulgation shall be made within every subsequent period of ten years." The last act, under this provision of the Constitution, was approved 9th February, 1850. The time has arrived when it becomes necessary to provide by law, for another "revision, digest and promulgation" of the laws

of the State. It is, perhaps, more needed at this time, than at any previous period in the history of Alabama. There have been more laws enacted, amended and repealed, since the adoption of the Code, than perhaps ever were by any other State in the same number of years. No one but a lawyer, whose special business it is to keep up with the legislation of the State, can now tell what provisions of the Code have been amended or repealed, or what statutes enacted since its adoption, are unrepealed.

We have too much legislation for the public good. The great number of acts repealed at each session of the Legislature, is conclusive proof of this allegation. The cost of local legislation is one of the heaviest items of expenses to the State. It is a great and growing evil, and should be remedied. The remedy is in your hands.

### CENSUS.

The Constitution requires that the census shall be taken every six years. This was done last in 1855; it will, therefore, devolve upon the General Assembly, at its present session, to pass a law to carry out this provision of the Constitution. The census must be taken in 1861, and before the meeting of the next legislature. I suggest the propriety of requiring the census taker, in each county, to put down, under a separate head, the number of white males, between the ages of eighteen and forty-five, for the purpose of ascertaining the full strength of the militia of the State. This is necessary, to enable us to draw our full quota of arms from the Federal Government. There seems to be no probability that this object will be effected under our militia system. Scarcely any one takes an interest in it, and I am satisfied that nothing short of a real or apparent necessity for active service, will inspire those liable to do military duty, with sufficient interest to induce them to comply with the requirements of the law, so as to enable their numbers to be ascertained, with any degree of certainty. Seeing the disorganized state of our militia, I have encouraged the formation of volunteer companies, so that in case of a sudden emergency, we might be provided with as many well trained officers and men, as possible, as a nucleus around which to rally.

An armory should be erected at the seat of government, for the safe keeping of the public arms. There are a considerable number of muskets, pistols and swords, in the old arsenal at Tuscaloosa, that should be brought to Montgomery, and put in good repair. These are the old fashioned muskets and pistols, but might be of much service. They should be transferred to

this point for the purpose of being better preserved, and because they could be more easily distributed, if at any time there should be a sudden demand for them. The recent developments at Harper's Ferry admonish us of the propriety of the State being ready, at all times, to protect the lives and property of her citizens.

### MOBILE AND OHIO RAILROAD.

The debt due from the Mobile and Ohio Railroad Company was extended, under, and according to the terms prescribed in an act of the last General Assembly. The security taken from the company, consists of five hundred thousand dollars of first mortgage bonds, previously taken as security, and a mortgage on about twenty one thousand acres of land, mostly situated along the line of the railroad, and upon which is located some of their improvements. The security was deemed ample at the time it was taken, and is now unquestionably so. By the extension of the road, both the bonds and land have increased in value, and will continue to do so, until the great enterprise is completed. Its speedy completion is now placed beyond doubt. The iron for the entire work has been purchased, and will be laid down as fast as practicable. When completed, it will be one of the best paying roads in the union, and will add immensely to the wealth and population of our only seaport city, and will necessarily contribute, in no small degree to the revenue and strength of the State.

The company acknowledge their obligations to the State, for the indulgence extended to them, and have promptly paid the interest on the debt. The extension of the three hundred thousand dollars due the State, induced other creditors to pursue a similar course, by which, the company were enabled to pass a crisis in their affairs, that threatened to arrest the further progress of the road; so that the State, by this act of liberality, may be said to have secured the completion of one of the most important works of internal improvements in the Southern States.

### CENTRAL RAILROAD.

To the act "to invest and dispose of the two per cent. fund," approved 8th February, 1858, was added a section in the following words: "Be it further enacted, that the sum of ten thousand dollars be, and the same is hereby appropriated out of the three per cent. fund now in the treasury, to be expended and applied, under the direction of the Governor in making a reconnoissance

for a route for a railroad from the Tennessee river to some point on the Alabama and Tennessee river railroad, and to make a thorough survey of the most practicable route to connect the waters of the Tennessee river with the navigable waters of the Mobile Bay, with reference to the development of the mineral regions of the State, which said reconnoissance and survey must be made in the year 1858; report thereof made to the Governor, which report shall contain a full statement of the length of the road, grades, cost per mile, together with all the particulars that are usually observed in surveys of this description." Under this law, I appointed Mr. John T. Milner, engineer, to make the reconnoissance and survey contemplated by the act. Mr. Milner was very strongly recommended by competent judges, as an experienced and practical engineer, as well as a gentleman of energy and high moral character. Knowing that there was a division of opinions, as to the point on the Tennessee river, at which the terminus of the road should be fixed, and that much interest was manifested on the subject, I determined to appoint no one to make the survey, who could be supposed to have any personal interest in, or partiality for, any particular location of the route, I therefore appointed Mr. Milner, who was an entire stranger in that portion of the State, through which the survey was to be made. As soon after his appointment as practicable, he commenced the work, being directed by me, to take the act under which he was appointed, for his principal instructions as to his duty. He was also furnished with a copy of Prof. Tuomey's Geological report, by which he informs me he was greatly aided in ascertaining the location of the mineral deposits, with reference to which the survey was to be made. Six routes have been surveyed by him, all beginning at or near Montevallo; four of them terminating at Decatur, and two at Beard's Bluff on the Tennessee river. You are referred to his report for full information in regard to the survey.

The report shows that Mr. Milner was well qualified for this position, and that he has been faithful in the discharge of his duties.

At this point, I desire to call your attention to the construction given to the section of the act above recited by Mr. F. M. Gilmer, President of the South and North Alabama Railroad Company. He applied to me to have the survey continued across the Alabama and Tennessee rivers railroad, to the navigable waters of the Alabama river, and insisted that the act required it to be done. I did not then, nor do I now, agree with him in this construction of the law. It was my opinion, that the act did not contemplate extending the survey further south than

the Alabama and Tennessee rivers railroad. I suggested to Mr. Gilmer that if he thought it proper, he might employ Mr. Milner to continue the survey to the Alabama river, upon the responsibility of the company, of which he was President, and I would call the attention of the Legislature to the subject, and if that body should sustain his construction of the law, I would pay Mr. Milner out of the funds appropriated for the purpose, otherwise I could not. Mr. Milner was employed by that company, and continued the survey to the Alabama river, at Montgomery. Now, if the Legislature shall instruct me by resolution, or otherwise, to pay for the cost of this survey, out of the ten thousand dollars appropriation, their instructions will be obeyed; but, in the absence of such instructions, I shall not consider myself authorized to do so.

The report of the engineer discloses three important interests of the State, that will be greatly promoted by building a road on one of the routes surveyed: First, by connecting North and South Alabama, and thereby uniting more closely the two extremes of the State, socially and politically. Second, by developing the vast mineral resources of Central Alabama; and thirdly, in opening a way by which the productions of the Tennessee valley and part of Tennessee, and other Western States, will find a market in our own State. The report shows another fact worthy of serious consideration. It is this, if a Central railroad should not be constructed within a reasonable time, the people of North Alabama, who are interested in the work, will direct their attention to the other contemplated roads. It appears that New Orleans is proposing to extend to Decatur, the road now being built from that city to Aberdeen, in the State of Mississippi, and that certain interests in the State of Georgia are being concentrated to construct a road from Atlanta, Ga., to Decatur, Ala. The argument is, that if a central road should not be built, and an outlet should be furnished by the roads referred to, to the markets of New Orleans and Georgia, a large portion of the products of North Alabama and Tennessee, which should find a market in our own State, will be diverted to other markets, and will contribute to build up other interests at the expense of our own. Besides this, the connection of North and South Alabama by a direct route, and the development of the great mineral resources of the central portion of the State will be defeated.

### THREE PER CENT. FUND.

The indications are, that a proposition will be made at the

present session, to appropriate the unexpended balance of the three per cent. fund, to aid in the construction of railroads. If you should determine to make this disposition of the fund, great care should be taken to ascertain its true amount, that injustice may not be done to the State, or the fund. This suggestion is made, because there seems to be a conflict of opinion among intelligent gentlemen, as to its real amount. That part of this fund unappropriated, was deposited in the State Bank, and made a part of the capital thereof. The amount deposited was \$353,831 99. Upon this sum dividends were declared, at sundry times, amounting to \$104,858 30. In estimating the amount of this fund, the dividends declared in its favor should not, in my opinion, be considered, as they were merely nominal and never realized. If the Legislature should determine to allow interest, which will be a question for you to decide, the dividends should be disregarded, and interest calculated on the sum deposited, from the time it was invested as banking capital. From this should be deducted the amounts of the various appropriations made from the fund, and each appropriation should be deducted from the principal at the time it was made.

If this fund should be appropriated by you, it will be necessary to make provision for its payment. Your attention has already been called to the fact, that after paying the necessary expenses of the government, the interest on the State debt, and the appropriation for the support of public schools, with such other small appropriations as you find necessary to make, it will require all the surplus, now in the treasury, and all that will be realized from the revenue laws in the two next fiscal years, with the aid of the North Carolina and Virginia bonds and the debt that will be due from the Mobile and Ohio Railroad company to pay the State bonds that will fall due in May, 1863. The only mode of raising the means to discharge both these debts, within the next two years, will be by increasing the taxes. I would not advise this course, as the rate of taxes is already complained of by many. Both the debts may be paid, within six years, without increasing the taxes. I then suggest, that if the three per cent. fund is appropriated, at the present session, that the legislature authorize the issuance of State bonds, for the amounts appropriated, payable in not less than six years from their date; provided the parties for whose benefit the appropriation may be made, will agree to take them at par. The bonds would no doubt, be so received by the parties interested. By adopting this course, our foreign debt could be paid at maturity, and ample means be realized in time to discharge the bonds issued for the three per cent. fund, without any change in the revenue



laws. If this, or some other similar policy is not adopted, the proper agent of the State should be authorized to extend so much of our foreign debt, as the payment in cash of the three per cent. fund, may render us unable to pay.

### UNIVERSITY OF ALABAMA.

The report of the executive committee of the board of trustees of the University, exhibits the condition of the funds of that institution. It appears that all the surplus means have been expended in the erection of a new dormitory, and two houses for the Professors; that extensive repairs are necessary to other buildings, and that the philosophical apparatus is incomplete and imperfect. The report further shows, that these repairs cannot be made, nor the deficiencies in the apparatus supplied, without some provision for that purpose. The trustees do not ask for an appropriation from the State treasury, but appeal to the legislature to restore to the permanent fund, the sum of fifty thousand dollars, which they allege has been unjustly taken from it. This at six per cent. interest, would add three thousand dollars to the annual income of the University and enable the trustees in a short time to meet its wants. I beg leave to call your attention, specially, to the able argument of the committee in behalf of the restoration of this fund. I do not see how it can be answered or resisted. I ask your calm deliberation on this subject, and if you conclude that this sum is unjustly withheld, it should be restored.

### HOSPITAL FOR THE INSANE.

I regret to say that the Hospital for the insane is not yet completed. It will be remembered that the trustees to superintend the erection of the buildings, at the last session of the legislature reported that the buildings would be completed by November, 1858. In consequence of this report, I nominated six trustees, whose nominations were confirmed by the Senate, to take charge of the institution as soon as completed. They could do no binding official act, until the duties of the building trustees had been discharged. Nothing has therefore been done by them, except to confer with each other in regard to the selection of a superintendent, &c.

Of the cause of this delay I am not advised, with sufficient certainty to enable me to communicate them to you. I take it for granted, that the report of the trustees, which will be laid before you, will present everything in its proper light, and that

you will be informed by them with certainty, when the buildings will be ready for the reception of patients. This work of benevolence and charity is greatly needed. Many letters within the present year, have been received by me, from the friends of insane persons, inquiring when the hospital would be ready for the reception of patients.

The appropriation of some amount will be necessary, to pay the superintendent and others employed in the institution for the first two years, as the number of patients will probably not be sufficient to sustain it during that time.

As the many subjects of which I have been compelled to speak, have extended this communication to a tedious length, and as I shall have another opportunity of addressing you in a few days, I will reserve what I may have to say in regard to our federal relations, for that occasion.

That an allwise and overruling Providence may aid and direct you in the discharge of your legislative duties, and that you may return within a reasonable time to your homes and families, is my sincere prayer.

A. B. MOORE.

The message was read, when Mr. Hubbard moved to lay it on the table, and print 5,000 copies.

Mr. Brown moved to amend by printing 8,000 copies.

Mr. Oates moved to amend the amendment by printing 10,000 copies.

Mr. Smith, of Lauderdale, called for a division of the question—first, on laying on the table—carried; second, to print 10,000 copies—lost. The question was then on printing 8,000 copies—lost; and the House ordered 5,000 copies of the message to be printed.

Mr. Irby offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Speaker to act with a like committee on the part of the Senate to adopt rules for the government of the two Houses when in joint convention.

Mr. Clitherall offered the following resolution, which was adopted:

*Resolved*, That a committee of three be appointed by the Speaker to prepare and report rules for the government of this House.

On motion of Mr. Hubbard, the following resolution was taken from the table:

That the Speaker appoint the following standing committees, etc.; carried.

Mr. Clitherall moved to amend by adding, Committee on Local Legislation.

Mr. Coleman moved to amend by adding, Committee on Retrenchment.

Both amendments being accepted, the resolutions were adopted.

Mr. Ramsey offered the following resolution—adopted :

*Resolved*, That all editors and reporters for the press have leave to take seats in the hall of the House, in front of the Clerk's desk.

Mr. Herman offered the following resolution—adopted :

*Resolved*, That with the consent of the Senate, the two Houses will meet in joint convention in the hall of the House of Representatives on Friday at eleven o'clock A. M., for the purpose of counting the votes and declaring the election of Governor, holden on the first Monday in August last.

On motion of Mr. Clayton, the House proceeded to consider the Senate's message by Mr. Taul, to-wit :

Mr. Speaker: The Senate has passed the following resolution :

*Resolved*, (the House of Representatives concurring,) That the two Houses will meet in joint convention in the hall of the House of Representatives on Thursday the 17th inst. at half past 10 o'clock, for the purpose of electing a State Printer, as required by law ; which resolutions were concurred in by the House of Representatives.

Mr. Clayton offered the following resolution—adopted :

*Resolved*, That a committee be appointed by the Speaker to wait on the different ministers of the different religious denominations in the city of Montgomery, and invite them to alternately open the House with prayer.

When on motion of Mr. Irby, the House adjourned until ten o'clock to-morrow morning.

THURSDAY, Nov. 17, 1859.

The House met pursuant to adjournment.

The Journal was read and approved.

Mr. Hardwick offered the following resolution, which was adopted :

WHEREAS, Mr. Jno. Crawford, the Doorkeeper of this House, is confined by sickness, and unable to discharge the duties of his office. therefore, be it

*Resolved*, That Wm. H. Coker be, and he is hereby appointed temporary Doorkeeper for the House during the time the said Doorkeeper elect shall be prevented from discharging his duties.

On motion of Mr. Smith of Lauderdale, the messages to the Senate were immediately conveyed to that body.

Mr. Speaker laid before the House sundry records of divorce, which were referred to Committee on Divorce and Alimony, when raised.

Message from the Senate by Mr. Taul.

The Senate have passed the following resolution :

*Resolved*, That in pursuance of section 34 of the Code, the President appoint a committee of three to act with a like committee to be appointed by the House of Representatives, to examine the offices of Comptroller and Treasurer. Messrs. Patton, Jones and Chilton compose said committee.

*Resolved*, That a committee of three be appointed by the Senate to act with a like committee on the part of the House, for the purpose of reporting rules for the Government of the two Houses when in joint convention. Messrs. McSpadden, Bullock and Bynum compose said committee on the part of the Senate.

The House concurred in the Senate resolution, and appointed Messrs. Smith of Lauderdale, Whitfield and Walden of Morgan, said committee under the first resolution, and Messrs. Smith of Lauderdale, Irby and Aldridge, under the second.

On motion of Mr. Hubbard, the House took an informal recess, preparatory to going into the election for Public Printer.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Gibson: amendatory of proceedings in chancery.

Mr. Irby, from the committee on the part of the House to act with a like committee on the part of the Senate, to adopt rules for the government of the two houses when in joint convention, have discharged their duty, and instruct me to report the rules of the last session, and moved their adoption.

The House concurred in the report.

Mr. Speaker announced the Committee on Rules for the government of the House to be, Messrs. Clitherall, Cooper and Hale; also announced the committee to wait on the different ministers of the gospel, etc., to be Messrs. Clayton, Saffold and Hardwick.

The Senate, by invitation, appeared within the hall of the House; when in joint convention, the two Houses proceeded to the election of Public Printer. Messrs. Shorter and Reid alone being in nomination, and having received all the votes cast,

(to-wit: one hundred and twenty-one,) were duly elected Public Printers for the term prescribed by law.

The Senate then withdrew to their chamber.

Mr. Fielder asked leave of absence for Mr. Slater.

Granted.

Bills were introduced by :

Mr. Gibson: for the better regulation of jails, and appointment of jailors.

Also, to repeal in part an act therein named, and for other purposes.

Mr. Aldridge: to require the commissioners' court of Blount county to provide a jury fund, and for other purposes.

Mr. Mabry: to amend the mechanics lien law of Alabama.

Mr. Irby: to authorize John A. Lodor of Dallas county, to pay over certain moneys in his hands as administrator, belonging to unknown heirs, or to the State.

Also, to amend the charter of the town of Cahaba.

Mr. Fountain: to authorize John G. Ward, of the county of Dale, to erect gates across a certain public road therein named.

Mr. Hudgins: to amend the road laws in Jackson county.

Mr. Smith of Lauderdale: to amend the law in relation to the emancipation of slaves.

Mr. Bryan: to incorporate the Tuskegee Light Infantry.

Mr. Cunningham. to incorporate Wood Lawn Female College, of Macon county.

Mr. Griffin of Marshall: to amend the law upon the subject of justices of the peace.

Mr. Walker: to repeal in part section 391 of the Code.

Mr. Overall: to revive a judgment in favor of executors and administrators of deceased plaintiffs.

Also, authorizing the probate court of Mobile county to grant license for amusements, shows and exhibitions in said county.

Mr. Clitherall: to repeal the law requiring annual settlements by guardians, and to substitute annual statements in lieu thereof.

Mr. Seale: to increase the pay of jurors in the county of Shelby.

Mr. Ramsey: for the relief of Daniel L. Agres, sheriff of Sumter county.

Also, for the relief of Robert C. Howie of Sumter county.

Mr. Easley: to change the name of N. B. Able to that of N. B. Johnson; and for other purposes.

Mr. Shepard: to revive and amend the North-Western Rail Road Company.

Which bills were severally read, and ordered to a second reading on to-morrow.

Mr. Aldridge presented the accounts of Lewis White, which was referred to Committee on Accounts and Claims, when raised.

Mr. Clapp presented the account of Thomas Fluellen, which was referred to Committee on Accounts, when raised.

Message from the Senate by Mr. Taul.

Mr. Speaker. the Senate has passed the following resolution :

*Resolved*, (the House concurring,) That the two Houses will meet in joint convention in the hall of the House of Representatives at half past ten o'clock on Friday, the 18th inst., for the purpose of electing a Judge of the supreme court to fill the vacancy occasioned by the resignation of the Hon. Samuel F. Rice ; which was concurred in by the House.

Mr. Walker introduced a bill supplemental to, and in enlargement of, "An Act to Authorize the Corporate Authorities of the City of Mobile to aid in the construction of a Rail Road, upon a vote of the Citizens ; approved 8th February, 1858," which was read ; the constitutional rule being suspended, was read the second time and referred to Committee on Corporations, when raised.

Mr. Saffold : to amend the charter of the city of Montgomery, which was read ; constitutional rule suspended ; read the second and third times, and passed.

Mr. Clitherall : to divorce Nancy Mitchell from G. W. Mitchell, which was read ; constitutional rule suspended ; read second time and referred to Committee on Divorce and Alimony, when raised.

Mr. Brown of Tuscaloosa presented the petition of W. J. Caldwell, which was referred to Committee on Sixteenth Section, when raised.

Mr. Whitfield presented the memorial of James H. Dearing and others, which was referred to Committee on Corporations, when raised.

Mr. Shepard gave notice that on to-morrow he would move to amend the 20th rule of the House.

Mr. Parsons offered the following resolution, which was adopted :

*Resolved*, (the Senate concurring,) That a committee of three persons be appointed on the part of this House by the Speaker to act with a like number on the part of the Senate, whose duty it shall be to ascertain at an early day and report what amount of the two and three per cent. funds remain in the Treasury.

Mr. Speaker appointed Messrs. Parsons, Hobbs and Irby said committee.

On motion of Mr. Clitherall, the House proceeded to the consideration of the general orders.

#### GENERAL ORDERS.

The bill to prohibit the sale of spirituous liquors within one mile of Clay Hill, in the county of Pike, was read the second time, and ordered to be engrossed.

The bill to provide for the payment of detached halves of bank bills issued by the Bank of the State of Alabama, and branches, was read the second time, and referred to Committee on Banks and Banking, when raised.

The bills amendatory of an act to incorporate the town of Troy, approved 4th February, 1843; incorporating the town of Newbern, in Green county; to incorporate the Montgomery and Eutaula Rail Road Company; were severally read the second time and referred to the Committee on Corporations, when raised.

The bills to protect growing crops from levy and sale; to enable the creditors of Phillip Barton, deceased, to prove their claims; to amend proceedings in chancery; to re-arrange and fix the times of holding the courts of chancery in the middle chancery division; to regulate the distribution of estates to surviving husband and wife in certain cases therein named; to give the Judge of Probate of Pike county jurisdiction of the estate of James E. Croswell, deceased—Mr. Starke moved to suspend the constitutional rule, so as to give the last named bill a third reading forthwith; lost. The bills having been read a second time, were referred to Committee on Judiciary, when raised.

The bill to levy a special tax to build a jail in the county of Cherokee was read the second time, and referred to the delegation from Cherokee.

When on motion of Mr. Clitherall, the House of Representatives adjourned until 10 o'clock to-morrow morning.

FRIDAY MORNING, Nov. 18, 1859.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Mitchell.

Journal read and approved.

On motion of Mr. Whitfield, the business was suspended to allow him to make a motion to add to the standing committees, the Committee on University.

Carried.

Mr. Speaker laid before the House sundry records of divorce, which were referred to Committee on Divorce and Alimony.

Mr. Speaker also announced the Standing Committees:

*On Judiciary.*—Messrs. Walker, Rice, Parsons, Cooper, Hale, Clitherall, Gilchrist, Forney, Carlyle.

*On Internal Improvements.*—Messrs. Forsyth, Whitfield, Cooper, Hobbs, Rice, Chambers, Bradley, Tait of Wilcox, and Brooks.

*On Federal Relations.*—Messrs. Hubbard, Forsyth, Clayton, Irby, Hudgins, Aldridge, Jack, Huckabee and Mabry.

*On Education.*—Messrs. Hobbs, Chambers, Herman, Holley of Tallapoosa, Hudgins, Carlyle, Bibb, Carey and Neal.

*On Banks and Banking.*—Messrs. Smith of Lauderdale, Bowen, Mabry, Ramsey, Overall, Hearin of Clarke, Clifton, Clitherall and Lloyd.

*On Ways and Means.*—Messrs. Irby, Smith of Lauderdale, Lesueur, Walden of Morgan, Hardwick, Holley of Tallapoosa, Barlow, Thomas and Bowden.

*On Local Legislature.*—Messrs. Clitherall, Overall, Adams, Shepard, Scott, Bowen, Gilchrist, Starke and Aldridge.

*On Corporations.*—Messrs. Hale, Sherrod, Walker, Bell, Jones, Barlow, Shepard, Herman, and Griffin of Marshall.

*On University.*—Messrs. Forney, Brown of Tuscaloosa, Walker, Tait of Macon, Saffold, Martin, Lowe, Ramsey and Bryan.

*On Insane Asylum.*—Messrs. Mabry, Fielder, Knox, Walden of Coosa, Lloyd, Bradley, Whitfield, Huckabee and Gibson.

*On Propositions and Grievances.*—Messrs. Aldridge, Clayton, Wright, Carlyle, Warren, Holley of Covington, Dark, Musgrove and Clapp.

*On Accounts and Claims.*—Messrs. Griffin of Marshall, Calhoun, Flake, Coleman, Cowan, Fountain, Meadows, Gibson, Lane and Bush.

*On Agriculture.*—Messrs. Chambers, Thornton, Taylor, Burgess, Tait of Macon, Walden of Coosa, Slater, Sherrod and Seale.

*On 16th Section.*—Messrs. Lesueur, Lloyd, Cowan, Fountain, Coleman, Bush, Bibb, Lane and Neal.

*On Retrenchment.*—Messrs. Coleman, Hardwick, Slater, Warren, Griffin, Jackson, Jones, Bryan, Bowden, Herren of Tallapoosa and Seale.

*On Privileges and Elections.*—Messrs. Musgrove, Wright, Jones Griffin of Dale, Goldsmith, Easley, Flake, Herrin of Tallapoosa, Hale.

*On Military.*—Messrs. Cooper, Clayton, Huckabee, Taylor, Davis, Oates, Seay, Cowan and Barlow.



*On Divorce and Alimony.*—Messrs. Starke, Adams, Davis, Carey, Davidson, Griffin of Jackson, Hightower, Thomas and Clapp.

*On Penitentiary.*—Messrs. Walden of Coosa, Carter, Jack, Bowden, Latham, Clifton, Meadows, Calhoun and Humphries.

*On Roads, Bridges and Ferries.*—Messrs. Thonton, Holley of Tallapoosa, Slater, Humphries, Brown of Marion, Latham, Holley of Covington, Seay and Abney.

*On State Capitol.*—Messrs. Saffold, Carter, Brooks, Ferrell, Easley, Cunningham, Fielder, Davidson and Taylor.

*On County Boundaries.*—Messrs. Hearin of Clarke, Brown of Marion, White, Hightower, Griffin of Dale, Abney, Bell, Bibb and Goldsmith.

*On Enrolled Bills.*—Messrs. Scott, Brown of Tuscaloosa, Knox, Tate of Macon, Overall, McMurry, Davidson, Lowe and Warren.

*On State Printing.*—Messrs. Hudgins, Ramsey, Oates, Carlisle, Saffold, Aldridge, Lowe, Brown of Tuscaloosa and Tait of Wilcox.

*On State Bank and Branches.*—Messrs. Parsons, Scott, Saffold, Smith of Coosa, Martin, Griffin of Jackson, McMurry, Carey and White.

#### CALL OF COUNTIES.

Bills were introduced by Mr. Chambers: To incorporate the South-Western Railroad Company.

By Mr. Gibson: To restrain the pardoning power of the Governor.

By Mr. Lane: To amend section 3254 of the Code of Alabama.

By Mr. Lane: To amend Section 2763 of the Code of Alabama.

By Mr. Wright: For the relief of George C. Mathison, administrator, and John D. Mathison, of Calhoun county.

By Mr. Whitfield: To incorporate the Western Bank of Alabama.

By Mr. Walker: To incorporate the Merchants Bank of Alabama, with a memorial also to extend the time of the payment of the balance of the debt due from the Mobile and Ohio Railroad Company to the State.

By Mr. Cary: To increase the pay of grand and petit jurors for the county of Conecuh.

By Mr. Walden of Coosa: To amend section 2767 of the Code.

By Mr Mabry: To amend section 1339 of the Code, also to incorporate the Independent Blues of Selma.

By Mr. Coleman: To incorporate the Columbus and Fayetteville Railroad Company.

By Mr. Oates: To amend section 3608 of the Code, also to repeal section 3rd of an act, entitled an act to regulate and define the liabilities of railroad companies in this State.

By Mr. Griffin of Marshall: To compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road.

By Mr. Hudgins: To compensate E. C. Green.

By Mr. Martin: To declare Amelia Thurston a free dealer.

By Mr. Musgrove: To consolidate the offices of tax collector and assessor in the county of Marion.

By Mr. Overall: To amend section 2175 of the Code of Alabama.

By Mr. Rice: To amend the charter of the city of Montgomery.

By Mr. Holley of Tallapoosa: For the relief of Francis M. Duffy, which bills were severally read the first time and ordered to a second reading.

Mr. Davis presented the petition of Geo. S. Houston and others, which was referred to committee on propositions and grievances.

Message from the Senate by Mr. Taul.

Mr. Speaker: The Senate concurs in the resolution of the House, to meet in the hall of the House at 11 o'clock to-day, to count the votes and declare the election of Governor.

On motion of Mr. Irby, the House took a recess until two minutes to 11 o'clock; at 11 o'clock the speaker called the House to order, when the Senate appeared by invitation in the hall of the House of Representatives, and the two Houses in joint convention proceeded to count the votes for Governor of the State of Alabama for the ensuing gubernatorial term as follows: For Andrew B. Moore, 46,478; for Wm. F. Samford, 17,564. Governor A. B. Moore, having received a majority of all the votes polled, Mr. Speaker declared him to be duly and constitutionally elected Governor for the next official term.

The joint convention then proceeded to the election of a Supreme Court judge, to fill the vacancy occasioned by the resignation of Hon. Sam'l. F. Rice. Hon. Richard W. Walker alone being in nomination, and having received all the votes cast, to-wit: (122) was declared duly and constitutionally elected judge of the Supreme Court, for the period fixed by law.

Mr. Hubbard offered the following resolution. Adopted.

*Resolved*, That a committee of three be appointed by the speaker to act with a like committee on the part of the Senate, to wait upon the Hon A. B. Moore, and inform him of the official ascertainment by the General Assembly of his election to the office of Governor of the State of Alabama, and that he be requested to designate the day on which it will suit his convenience to take the oath of office. Mr. Hubbard, Holley of Tallapoosa and Barlow, Cooper, said House committee.

Mr. Starke moved to adjourn until 10 o'clock to-morrow. Lost.

Mr. Whitfield offered the following resolution, which was adopted.

*Resolved*, That a committee of three be appointed on the part of the House, to act with a like committee on the part of the Senate, to examine, audit and state the accounts and vouchers of John Whiting, commissioner and trustee of the State Bank and branches. Messrs. Whitfield, Clayton and Parsons, composed said committee.

Mr. Chambers offered the following resolution, which was adopted.

*Resolved*, That so much of the Governor's message as relates to the State Bank and branches, be referred to committee on State Bank and branches.

*Resolved*, That so much as relates to an increase of the solicitors of the supreme and circuit court, judges and chancellors, be referred to the committee on judiciary.

*Resolved*, That so much as relates to public schools, be referred to the committee on education.

*Resolved*, That so much as relates to the purchase of an establishment for the education of the deaf and dum, be referred to the same committee.

*Resolved*, That so much as relates to the penitentiary, be referred to the committee on the penitentiary.

*Resolved*, That so much as relates to the digest of the laws, be referred to the committee on the judiciary.

*Resolved*, That so much as relates to the taking of the next census, be referred to the committee on ways and means.

*Resolved*, That so much as relates to the two and three per cent. fund, be referred to the committee on ways and means.

*Resolved*, That so much as relates to the State University, be referred to the committee on university.

*Resolved*, That so much as relates to the State debt, be referred to the committee on ways and means.

*Resolved*, That so much as relates to the hospital for the insane be referred to the committee on the insane asylum.

*Resolved*, That so much as relates to the school funds, be referred to the committee on the sixteenth section fund.

#### GENERAL ORDERS.

The bills to revive judgment and decrees in favor of executors and administrators of deceased plaintiffs. To amend the law upon the subject of the justices of the peace. To amend the law in relation to the emancipation of slaves. To authorize Jno. A. Lodor, of Dallas county, to pay over certain money in his hands as administrator belonging to unknown heirs, or to the State. To amend the mechanics lien law of Alabama. For the better regulation of jails and the appointment of jailors. Amendatory of proceedings in chancery. To repeal the law requiring annual settlements by guardians and to substitute annual statements in lieu thereof, were severally read the 2nd time and referred to the judiciary committee.

The bills to change the name of N. B. Able, to that of N. B. Johnson and other purposes. To increase the pay of jurors in Shelby county. To repeal and amend the road laws in Jackson county. To authorize John G. Ward, of the county of Dale, to erect gates across a certain public road therein named. To repeal in part an act therein named, and for other purposes. To require the commissioners court of Blount county to provide a jury fund and for other purposes, were severally read the 2nd time, and referred to committee on local legislature.

The bills to incorporate the Tuskegee Light Infantry. To amend the charter of the town of Cahaba, were severally read the second time and referred to committee on corporations.

The bill to incorporate Wood Lawn Female Institution in Macon county, was read the second time and referred to committee on education.

The bills to repeal in part, section 391 of the Code, and an act to authorize the probate court of Mobile county, to grant licenses for amusements, shows, and exhibitions in said county, were severally read the second time and referred to committee on ways and means.

Mr. Davis moved to adjourn until 10 o'clock to-morrow. Lost.

The bill for the relief of Daniel L. Ayers, sherff of Sumter county. For the relief of Robert C. Harvin, of Sumter county, were severally read the second time and referred to committee on accounts and claims.

The bill to revive and amend the North-Western Railroad

company, was read the second time and referred to committee on internal improvements.

Message from the Senate.

Mr. Speaker: The Senate has passed the following resolution:

*Resolved*, (The House of Representatives concurring) That a joint committee composed of one Senator and one Representative from each judicial circuit, be appointed to consider the expediency of re-organizing the judicial circuits and creating one or more additional judicial circuits, with leave to report by bill or otherwise. Messrs. Bullock, Cocke, Calhoun, Jemison, Bynum, McSpadden, Cleavland, Stone and Chilton compose said committee on the part of the Senate: and passed the following bill:

To authorize the administratrix of Nebb B. Kidd, to remove the administration from the county of Macon to the county of Shelby, also for the benefit of the estate of P. A. Wise, deceased; have also amended and passed House bill for the relief of the administrator of Haley Hutchison.

The bill for the benefit of P. A. Wise, deceased, was read the first time.

Mr. Parsons moved to suspend the constitutional rule, so as to give the bill a second reading forthwith. Lost.

The bill was then ordered to a second reading.

The Senate bill to authorize the administratrix of Nebb B. Kidd, to remove the administration from the county of Macon to the county of Shelby, was read the first time and ordered to a second reading.

Mr. Walden introduced joint resolutions to prevent the receiving of per diem by the members, whilst adjourned during the State fair; which, on motion of Mr. Chambers, was laid on the table.

Mr. Griffin, of Marshall, moved to adjourn until to-morrow at 10 o'clock.

Mr. Huckabee, moved to amend, by adjourning until 10 o'clock on Monday. Lost.

The House then adjourned until 10 o'clock on to-morrow.

SATURDAY, Nov. 19, 1859.

House met pursuant to adjournment.

Prayer by the Rev. Mr. McMundy.

Journal was read and approved.

Mr. Speaker laid before the House, record of divorce which was referred to committee on divorce and alimony.

Mr. Speaker announced the joint committee on the part of the House, upon the re-organization of the judicial circuits to be: Messrs. Shepard, 2; Adams, 3; Hale, 4; Jack, 5; Forney, 6; Walker, 7; Clitherall, 8; Starke, 9; Parsons, 10.

Mr. Forney laid before the House the following communication from the doorkeeper of the House:

MONTGOMERY, ALA., Nov. 20, 1859.

*To the Hon. Speaker and Members*

*of the House of Representatives:*

GENTLEMEN: Since my election to the office of doorkeeper, I have had a sudden and violent attack, which will so impair my health, that I feel satisfied that I will not be able for several days to discharge the duties of my office satisfactorily to the House, or creditably to myself, and feel that it is a duty incumbent upon me as an officer of the House as well as due to your honorable body, at this early period to tender you this my resignation of said office. I take the liberty of availing myself upon this occasion, of returning you my thanks and grateful acknowledgments for the office which you deem proper to confer upon me, and with assurances of my highest regard and profound respect for your honorable body, I remain truly your most obedient and humble servant,

JNO. H. CRAWFORD.

Which on motion of Mr. Cooper, was received, the resignation accepted and laid on the table.

Mr. Hale offered the following resolution, adopted:

*Resolved*, That the committee on the university be instructed to inquire into the expediency of attaching to the university of Alabama, a military professorship, and placing the students thereof under military discipline, and report by bill or otherwise.

On motion of Mr. Cooper, the House proceeded to the election of door-keeper.

Messrs. Coker, Jones, Logan and Nall, being in nomination.

Those who voted for Mr. Coker are, Messrs. Abney, Aldridge, Barlow, Bowen, Burgess, Bush, Carlyle, Carter, Clapp, Clifton, Cooper, Cowan, Easley, Fielder, Forney, Forsyth, Griffin of Jackson, Hardwick, Hearin of Clarke, Hobbs, Jack, Lloyd, Lowe, Meadows, Musgrove, Neal, Seale, Tait of Wilcox, Thornton, Whitfield.—31.

Those who voted for Mr. Jones are, Messrs. Brown of Marion, Coleman, Hightower, Latham, McMurry, Rice, Saffold.—7.

Those who voted for Mr. Logan are, Messrs. Bryan, Dark,

Davidson, Davis, Ferrell, Gibson, Gilchrist, Griffin of Marshall, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Humphries, Jones, Lesueur, Martin, Parsons, Ramsey, Scott, Shepard, Sherrod, Smith of Coosa, Taylor, Walden of Coosa, Walden of Morgan, White, Wright.—26.

Those who voted for Mr. Nall are, Messrs. Speaker, Adams, Bell, Brooks, Brown of Tuscaloosa, Calhoun, Cary, Chambers, Clayton, Clitherall, Cunningham, Flake, Fountain, Goldsmith, Griffin of Dale, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Knox, Lane, Mabry, Overall, Starke, Tate of Macon, Walker, Warren.—28.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the second ballot.

Those who voted for Mr. Coker are, Messrs. Abney, Aldridge, Barlow, Bowen, Bowden, Bradley, Bryan Burgess, Bush, Carlisle, Clapp, Clifton, Coleman, Cooper, Cowan, Easley, Fielder, Forney, Forsyth, Gibson, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Hobbs, Jack, Lloyd, Lowe, Meadows, Musgrove, Seay, Seale, Sherrod, Slater, Tait of Wilcox, Thornton, Whitfield.—36.

Those who voted for Mr. Jones are, Bibb, Brown of Marion, Ferrell, Hightower, McMurry, Rice.—6.

Those who voted for Mr. Logan are, Messrs. Dark, Davidson, Davis, Gilchrist, Griffin of Marshall, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Humphries, Irby, Jones, Lesueur, Mabry, Martin, Neal, Oats, Parsons, Ramsey, Saffold, Scott, Smith of Coosa, Taylor, Walden of Coosa, Walden of Morgan, White.—25.

Those who voted for Mr. Nall are, Messrs. Speaker, Adams, Bell, Brooks, Brown of Tuscaloosa, Calhoun, Cary, Chambers, Clayton, Clitherall, Cunningham, Flake, Fountain, Goldsmith, Griffin of Dale, Holley of Covington, Hubbard, Huckabee, Hudgins, Knox, Lane, Overall, Starke, Tate of Macon, Thomas, Walker, Warren, Wright.—27.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the third ballot.

Those who voted for Mr. Coker are, Messrs. Abney, Aldridge, Barlow, Bowen, Bowden, Bradley, Brooks, Burgess, Bush, Carlisle, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Easley, Forney, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hobbs, Huckabee, Jack, Lesueur, Lloyd, Lowe, Meadows, Musgrove, Seay, Seale, Slater, Thornton, White, Wright.—38.

Those who voted for Mr. Jones are, Messrs. Brown of Marion, Ferrell, Hightower, McMurry, Rice, Saffold.—6.

Those who voted for Mr. Logan are, Messrs. Dark, Davidson, Davis, Forsyth, Gilchrist, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Humphries, Irby, Jones, Martin, Neal, Oats, Parsons, Ramsey, Scott, Shepard, Sherrod, Smith of Coosa, Taylor, Walden of Coosa, Walden of Morgan.—23.

Those who voted for Mr. Nall are, Messrs. Speaker, Adams, Bell, Brown of Tuscaloosa, Calhoun, Cary, Chambers, Clayton, Clitherall, Cunningham, Flake, Fountain, Goldsmith, Holley of Covington, Lane, Latham, Overall, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walker, Warren.—23.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the fourth ballot.

Those who voted for Mr. Coker are, Messrs. Abney, Aldridge, Barlow, Bowen, Bowden, Bradley, Brooks, Burgess, Bush, Carlyle, Clapp, Clifton, Coleman, Cooper, Cowan, Easley, Forney, Fountain, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hobbs, Jack, Lesueur, Lloyd, Lowe, Meadows, Musgrove, Neal, Seay, Seale, Sherrod, Slater, Thornton, White, Whitfield.—38.

Those who voted for Mr. Jones are, Messrs. Bibb, Brown of Marion, Ferrell, Hightower, Rice.—5.

Those who voted for Mr. Logan are, Messrs. Dark, Davis, Gibson, Gilchrist, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Humphries, Jones, Martin McMurry, Oats, Parsons, Ramsey Shepard, Smith of Coosa, Taylor, Walden of Coosa, Wright.—19.

Those who voted for Mr. Nall are, Messrs. Speaker, Adams, Bell, Brown of Tuscaloosa, Bryan, Calhoun, Carter, Chambers, Clayton, Clitherall, Cunningham, Flake, Forsyth, Goldsmith, Griffin of Dale, Holley of Covington, Hubbard, Hudgins, Irby, Knox, Lane, Latham, Mabry, Overall, Scott, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren.—32.

Neither of the candidates having received a majority of all the votes given, the House proceeded to the fifth ballot. The name of Mr. Jones being withdrawn.

Those who voted for Mr. Coker are, Messrs. Abney, Aldridge, Barlow, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Burgess, Bush, Carlyle, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Easley, Ferrell, Fielder, Forney, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Jack, Knox, Lesueur, Lloyd, Lowe, McMurry, Meadows, Musgrove, Neal, Oats, Rice, Saffold, Scott, Seale, Sherrod, Slater, Tate of Macon, Thomas, Thornton, Walden of Morgan, White Whitfield.—50.



Those who voted for Mr. Logan are, Messrs. Davidson, Davis, Gibson, Gilchrist, Herman, Holley of Tallapoosa, Humphries, Martin, Parsons, Ramsey, Shepard, Smith of Coosa, Taylor, Walden of Coosa, Wright.—15.

Those who voted for Mr. Nall are, Messrs. Speaker, Bell, Brown of Tuscaloosa, Bryan, Calhoun, Cary, Chambers, Clayton, Clitherall, Cunningham, Dark, Flake, Forsyth, Fountain, Griffin of Dale, Herren of Tallapoosa, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Lane, Latham, Mabry, Overall, Starke, Tait of Wilcox, Walker, Warren.—29.

Mr. Coker having received a majority of all the votes given, was declared duly and constitutionally elected door-keeper of the House of Representatives, by the Speaker. He was then qualified and entered upon the discharge of his duties.

Message from the Senate by Mr. Roberts:

*Mr. Speaker:* The Senate has adopted the following resolution:

*Resolved,* (the House concurring,) That the Senate appoint a committee of three to act with a like committee on the part of the House, to inform the Governor elect, Hon. A. B. Moore, of his election, and ascertain at what time it will suit his convenience to take the oath of office and be inaugurated as Governor. Messrs. Calhoun, Hill and Horn, compose said committee. The House concurred in in the resolution and appointed Messrs. Hubbard, Holley of Tallapoosa, and Barlow.

Mr. Hardwick offered the following resolution, adapted:

*Resolved,* That the committee on the Judiciary be instructed to inquire into the propriety of amending the criminal laws of this State, so far as to facilitate the trial of criminal cases, and also of making such change in the same as to require the State and the prisoner to announce themselves ready for trial before an order shall be made for the issuance of a *venire* of State's jurors, and report by bill or otherwise.

#### CALL OF COUNTIES.

Bills introduced by:

Mr. Bowen: to incorporate the Midway Southern Guards, in Barbour county;

Mr. Clayton: to incorporate the Glenville Volunteers, in Barbour county; also, to incorporate the Louisville Blues; also to repeal the militia laws and encourage volunteer companies;

also, to compensate the Eufaula Rifles for money expended by them;

Mr. Davidson: to incorporate the 6 mile Male and Female Academy, in Bibb county;

Mr. Fielder: to locate permanently the seat of justice of Choctaw county;

Mr. Mabry: to authorize the city of Selma to subscribe for railroad stock;

Mr. Oats: to prohibit the passage of bank bills issued in any other State of a less denomination than five dollars;

Mr. Hale: to incorporate the Mount Hebron male and female academy, in Greene county;

Mr. Hale: to amend section 3285 of the Code;

Mr. Latham: to authorize the qualified voters of Jackson county to elect a tax assessor for the term of two years;

Mr. Hudgins: for the relief of Thomas Gold, of Jackson;

Mr. Martin: to change the county lines between the counties of Jefferson and Shelby;

Mr. Griffin of Marshall: to provide for the removal of free negroes from the State of Alabama;

Mr. Brown of Marion: to repeal section 3048 of the Code;

Mr. Walker: better to regulate proceedings in the probate court, and for other purposes; also, to regulate the agencies of insurance companies not incorporated in the State of Alabama; also to incorporate the Mobile wine company;

Mr. Forsyth: to incorporate the Eastern Shore and Mobile steamboat company;

Mr. Overall: to amend an act entitled an act to authorize the sale of personal property for distribution, approved February 16th, 1854, and to amend section 1678 of the Code;

Mr. Rice: to prevent the banks of other States from substituting their small notes as circulation in this State for gold and silver coin.

Mr. Bowden: to regulate the costs in criminal prosecutions in cases of change of name;

Mr. Ramsey: for the relief of Geo. R. Saunders, register of the chancery court of Sumter county;

Mr. Carter: to better regulate the pay of State jurors in certain cases;

Mr. Parsons: to incorporate the Talladega Artillery company; which bills were severally read and ordered to a second reading;

Mr. Clitherall: to provide for the lighting the capitol with gas. Read first time. Constitutional rule suspended, read the second time and referred to Committee on State Capitol.

Mr. Bradley offered the following resolution—adopted :

*Resolved*, That the Judiciary Committee be instructed to inquire whether under the existing law the same property is exempt from the claims of heirs, distributees or legatees in favor of the widow, that is exempt in her favor as against the creditors of her deceased husband under section 1738 of the Code.

Mr. Lowe moved to adjourn until ten o'clock on Monday morning.

Lost.

Mr. Walden offered the following resolution—adopted :

*Resolved*, That the Committee on the Judiciary inquire into the expediency of a change of the Constitution, so as to authorize the legislature to increase or reduce the number of counties in the judicial circuits of the State, with a view of expediting litigation as well as to equalize the labor of the judges without the creation of a new circuit and report on the same as early as possible.

Mr. Parsons offered the following resolution—adapted :

*Resolved*, That the Committee on Retrenchment be, and they are hereby instructed to inquire and report whether any and what reduction can be made in the present tax laws, consistent with the interest of the State.

#### GENERAL ORDERS.

The engrossed bill to prohibit the sale of spirituous liquors within one mile of the village of Clay Hill, in Pike county, was read the third time, and passed.

Yeas 55, nays 37.

Yeas—Messrs. Bell, Bibb, Bowden, Bradley, Brooks, Carter, Cary, Chambers, Clitherall, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jones, Knox, Lane, Latham, Mabry, Oats, Overall, Parsons, Seale, Shepard, Starke, Tate of Macon, Tait of Wilcox, Thomas, Thornton, Walden of Morgan, Whitfield, Wright.—55.

Nays—Messrs. Speaker, Abney, Aldridge, Barlow, Brown of Marion, Bowen, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Carlyle, Clayton, Clifton, Coleman, Dark, Flake Forsyth, Gibson, Griffin of Dale, Jackson, Lloyd, Lowe, Martin, McMurry, Meadows, Musgrove, Rice, Scott, Seay, Sherrod,

Slater, Smith of Coosa, Walden of Coosa, Walker Warren Fielder.—37.

The bills to restrain the pardoning power of the Governor, and for other purposes:

To amend section 3254 of the Code of Alabama;

To amend section 2762 of the Code of Alabama;

To amend section 2767 of the Code;

To amend section 1339 of the Code;

To amend section 3608 of the Code;

To amend section 2175 of the Code of Alabama;

To repeal section 3rd of an act entitled an act to regulate and define the liabilities of railroad companies in this State; were severally read the second time and referred to the Committee on the Judiciary.

The Bills:

To incorporate the Columbus and Fayetteville railroad company;

To incorporate the South-Western railroad company; were severally read the second time and referred to Committee on Internal Improvements;

The bill to extend the time of the payment of the balance of of the debt due from the Mobile and Ohio railroad company to the State, was read the second time and referred to the Committee on Ways and Means;

The bills:

To declare Amelia A. Thurston, a free dealer;

To consolidate the the offices of tax collector and assessor in the county of Marion;

For the relief of Francis M. Duffey;

To compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road;

To increase the pay of grand and petit jurors for the county of Conecuh;

For the relief of Geo. C. Mattison, administrator, and Mr. L. Mattison of Calhoun county; were severally read the second time and referred to Committee on Local Legislature;

The bills:

To incorporate the Independent Blues of Selma;

To amend the charter of the city of Montgomery; were severally read the second time, and referred to Committee on Corporations;

The bill to compensate E. C. Green, was read the second time and referred to Committee on Accounts and Claims;

The bill to incorporate the Merchant's Bank of Alabama, was read the second time.

Mr. Rice moved to amend as follows: Strike out of the first section all after the word "each," and insert in lieu the words so struck out, the following, to-wit: "Three fifths of which capital may be subscribed for by individuals or corporations who may own stock of the South and North Alabama railroad company, and two-fifths of which shall be reserved for the State of Alabama: *Provided, however,* That no individuals or corporation (except the State of Alabama,) shall subscribe for any greater amount of the capital of said bank, than such individual or corporation may at the time of subscription, own of the stock of said railroad company."

Strike out of the 17th section all between the word "enacted," and the word "annually," and insert in lieu of the words so struck out, the following, to-wit: "That by way of bonus or additional consideration, for granting of this charter the said bank shall, after the completion of the road, which said railroad company is authorized to construct or after declaration of any dividend by said railroad company pay."

Strike out of the first section the words, sixteen hundred and sixty-seven thousand, and insert in lieu of them the following words: "Two million five hundred thousand."

On motion of Mr. Irby, the bill and amendment was referred to Committee on Banks and Banking.

The bill to incorporate the Western Bank of Alabama, was read the second time; and Mr. Rice offered the amendments above to the bill, save the last.

Mr. Hubbard moved to postpone indefinitely the consideration of the bill and amendment, pending, which motion the House, on motion of Mr. Hubbard, adjourned until 10 o'clock, on Monday.

MONDAY, 21st November, 1859.

House met pursuant to adjournment.

Journal was read, corrected and approved.

Senate, November 19, 1859.

Mr. Speaker: The Senate concurs in the resolution of the House proposing to appoint a committee of three to act with a like committee on the part of the House, whose duty it shall be to ascertain and report at an early day what amount of the two and three per cent. fund remains in the treasury of the State. Messrs. Fielder, Walker, and Bynum, compose said committee on the part of the Senate.

Mr. Chambers moved to re-consider the vote by which the bill to incorporate the Merchant's Bank of Mobile, was referred

to Committee on Banks and Banking, and to postpone the consideration of said motion until Thursday, 12 o'clock.

The motion prevailed.

#### CALL OF COUNTIES.

Bills were introduced by Mr. Chambers:

Joint resolutions proposing to amend the mode of amending and revising the Constitution.

By Mr. Clayton:

To repeal the usuary laws.

By Mr. Carlisle:

To amend the charter of the Lafayette Branch railroad company, and to change the name of the said company.

By Mr. Warren:

To compel the county treasurer to keep his office at the court house, and for other purposes therein named.

By Mr. Smith of Coosa:

For the relief of Martha Ann C. Shaw.

By Mr. Walden, of Coosa:

For the relief of Martha Watson.

By Mr. Holley, of Covington:

To amend section 3047 of the Code.

By Mr. Burgess:

In relation to the pay of grand and petit jurors in DeKalb county.

By Mr. Huckabee:

For the relief of Dan'l. G. May, tax collector of Greene county.

By Mr. Hale:

To incorporate the Eutaw Insurance company in Greene county.

By Mr. Hobbs:

For the appropriation of a part of the two and three per cent. fund.

By Mr. Griffin, of Marshall:

To authorize attorneys to administer oaths in certain cases.

By Mr. Brown, of Marion:

To repeal section 396 of the Code of Alabama.

By Mr. Forsyth:

To authorize the commissioners of revenue of Mobile county to make certain additions to and improvements in the jail of said county.

By Mr. Walker:

To prevent free negroes from coming into this State, also to incorporate the Mobile and Telegraph Railroad company.

By Mr. Overall:

Authorizing the appointment of administrator and general guardian for Mobile county, and for other purposes.

By Mr. Saffold:

To incorporate the Montgomery and Troy Railroad company.

By Mr. Walden, of Morgan:

To incorporate the Mountain Railroad Contracting company.

By Mr. Clitherall:

For the relief of B. West.

By Mr. Neal:

For the relief of Jno. T. Gates, tax collector of Pickens county.

By Mr. Ferrell:

To amend an act to provide for the burial expenses of the poor, approved 14th February, 1856.

By Mr. McMurry:

To regulate the pay of jurors in Randolph county Alabama.

By Mr. Seale:

To change the name of certain persons therein named.

By Mr. Bell:

To incorporate the Lineville male and female academy in Talladega county.

By Mr. Easley:

To repeal the law establishing commissioner's districts in the county of Walker.

By Mr. Bibb:

To amend an act, entitled an act to locate the county site of Winston county, approved January 30th, 1858.

By Mr. Irby:

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county, which bills were severally read the first time and ordered to second reading.

Mr. Smith of Coosa presented the petition of W. A. Wilson, of Coosa county, which was referred to Committee on Propositions and Grievances.

Mr. Ramsey presented the memorial of the Judge of Probate of Sumter county, which was referred to Committee on Local Legislation.

Mr. Shepard offered the following resolution:

*Resolved*, That the Committee on the University be instructed to inquire into the expediency of refunding to said institution the amount lost by said institution by the State Bank. Also, into the expediency of requiring said University to educate two young men from each Senatorial District free of charge; said

young men to be required to teach school within the State five years after leaving the University.

*Resolved second,* That said committee be instructed to inquire into the expediency of paying eight per cent. per annum upon the University and 16th section fund. Also, into the expediency of setting apart three per cent. of the net aggregate amount of revenue collected by the State for the increase of the school fund.

Adopted.

Mr. Walker offered the following resolution:

*Resolved,* That with the concurrence of the Senate, a joint committee of three on the part of the House, and three on the part of the Senate, be appointed to act as a committee on the State and Supreme Court Libraries.

Adopted.

By Mr. Parsons:

WHEREAS, two-fifths of the capital stock of each bank chartered by this State is reserved for the State; and whereas there is a demand for more banking capital in this State, as is shown by the large circulation which the bills of banks chartered by other States have within our limits, and by the urgent applications for charters now before the House; and whereas, the State is now entitled to about \$2,067,200 of said stock, a considerable portion of which commands a large advance on its par value: therefore,

*Resolved,* That the Committee on Ways and Means be instructed to inquire and report at an early day whether it is expedient and for the interest of the State to appoint an agent to take the necessary steps to dispose of said stock on such terms as the Legislature may direct.

Adopted.

#### REPORT FROM COMMITTEE ON CORPORATIONS.

Mr. Hale, from Committee on Corporations, reported favorably upon the bills supplemental to the enlargement of an act to authorize the corporate authority of the city of Mobile to aid in the construction of a rail road, upon a vote of the citizens, approved 8th February, 1858. Said bill was then ordered to be engrossed for a third reading on to-morrow.

#### REPORT FROM COMMITTEE ON JUDICIARY.

Mr. Walker, from the Judiciary Committee, to whom was referred the bill to be entitled An Act for the Relief of the Ad-



ministrators of the estate of Haley Hutchinson, deceased, and the amendment of the Senate thereto, have had the same under consideration; have instructed me to report back the same, and recommend a concurrence in the Senate amendment.

The House concurred in the report and Senate amendment.

The title of the bill was then amended so as to read, An Act to amend the Law in relation to the sale of Lands belonging to the estate of deceased persons in certain cases.

Mr. Clitherall offered the following resolution:

*Resolved*, That the Doorkeeper be authorized to employ two white boys to act as messengers to the House of Representatives, who shall receive for their services one dollar per day, each, during their time of service.

Mr. Coleman moved to strike out "two" and insert "one."

Lost.

The resolution was then adopted.

Message from the Senate by Mr. Roberts.

SENATE, Nov. 4th, 1859.

Mr. Speaker: The Senate has passed a bill to enable the administrator of the estate of Wm. Johnson, deceased, to remove the administration to Tallapoosa county.

The said Senate bill was then read, and ordered to a second reading.

Mr. Rice offered the following resolution—That this House will not agree to go into the election of any solicitor before the 18th day of December next.

On motion of Mr. Ramsey, the further consideration of the resolution was postponed until 12 o'clock to-morrow.

Mr. Walker offered the following resolution:

*Resolved*, That the Committee on the Judiciary are hereby authorized to employ a clerk for said committee.

Adopted.

On motion of Mr. Clitherall, the bill for the benefit of the estate of P. A. Wise, deceased, was taken from the order of the day; read the second time, and referred to Committee on the Judiciary.

Message from the Governor, by Mr. Phelan.

Mr. Speaker: I am instructed by His Excellency, the Governor, to deliver to the House of Representatives reports of the commissioner appointed to examine the Bank of Mobile, Southern Bank of Alabama, Central Bank of Alabama, Eastern Bank

of Alabama, Commercial Bank of Alabama, and the Branch Bank at Montgomery.

Which was referred to Committee on Banks and Banking.

Mr. Griffin of Jackson offered the following resolution :

*Resolved*, That the Committee on Education be required to examine into the expediency of abolishing the office of county superintendent of education in the several counties of this State, and report by bill or otherwise.

Adopted.

House then resumed the consideration of the bill to incorporate the Western Bank of Alabama.

Mr. Hubbard withdrew the motion to indefinitely postpone.

Mr. Walker moved to amend the amendment of Mr. Rice, as follows :

First, Strike out of the first amendment the following words, to-wit: "the North and South Alabama Rail Road," and insert in lieu thereof the following, to-wit: In any of the rail roads now chartered, or that may hereafter be chartered, and which rail roads will connect the Tennessee river with the waters of the Mobile Bay.

Second, Strike out the word "company" at the end of the first amendment, and insert in lieu thereof the word "companies."

Third, Strike out of the second amendment all after the word "completion," where it occurs in said second amendment, and in lieu thereof insert the following, to wit: "By means of any rail road of the connection between the Tennessee river and the waters of the Mobile Bay."

Mr. Walker then moved the indefinite postponement of the bill and amendments.

Mr. Hubbard, from the joint committee to wait on the Governor, reported that they had discharged the duty assigned them; and that the Governor had indicated Thursday, the first day of December, to take the oath of office and be inaugurated.

After much discussion of the bill under consideration, the House adjourned on motion of Mr. Rice (Mr. Whitfield being entitled to the floor,) until 10 o'clock to-morrow.

TUESDAY, 22d Nov., 1859.

House met pursuant to adjournment.

Journal was read and approved.

On motion of Mr. Cooper, the call of the counties was suspended, to allow the Judiciary Committee to report a certain bill.

Mr. Cooper, from the Judiciary Committee, reported favorably to the bill for the benefit of the estate of P. A. Wise, deceased. The constitutional rule was suspended.

Message from the Senate by Mr. Roberts.

SENATE, Nov. 22, 1859.

The Senate concur in the resolution of the House, proposing to appoint a joint committee to examine, audit and state the accounts and vouchers of Jno. Whiting, commissioner and trustee of the State Bank and branches. Messrs. Jemison, Walker and Patton compose said committee on the part of the Senate.

The Speaker appointed Messrs. Walker, Saffold and Hobbs committee on State and supreme court libraries.

The Speaker laid before the House sundry records of divorce; referred to Committee on Divorce and Alimony.

The bill for the benefit of the estate of P. A. Wise, deceased, was read the third time and passed.

Yeas, 62; nays, 25.

Yeas. Messrs. Adams, Barlow, Ball, Bowen, Brooks, Brown of Marion, Bush, Calhoun, Carlisle, Carter, Clapp, Clayton, Cooper, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Jack, Jones, Lane, Lesueur, Mabry, McMurray, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seale, Shepard, Slater, Smith of Coosa, Stark, Tait of Wilcox, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Whitfield.

Nays: Mr. Speaker, Abney, Aldridge, Bibb, Bowden, Bradley, Burgess, Chambers, Clifton, Clitherall, Cunningham, Gibson, Hale, Hobbs, Hubbard, Humphries, Knox, Latham, Lloyd, Martin, Sherrod, Tait of Macon, Taylor, Walker, Lowe.

Bill was then ordered forthwith to the Senate.

Mr. Hubbard moved to suspend the business before the House to offer a resolution.

Carried.

*Resolved*, That the Doorkeeper procure postage stamps for public documents ordered by this House and intended for distribution, and furnish an equal amount to each member; and that the same be paid out of the contingent fund of this House.

Adopted.

Yeas, 50; nays, 38.

Yeas: Mr. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Bryan, Burgess, Calhoun,

Clayton, Chambers, Clapp, Clitherall, Coleman, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Forsyth, Gibson, Goldsmith, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Jack, Knox, Lesueur, Overall, Ramsey, Rice, Scott, Seay, Shepard, Sherrod, Slater, Starke, Thomas, Walker, Warren, Whitfield.

Nays: Messrs. Adams, Brown of Marion, Carlisle, Carter, Clifton, Ferrell, Forney, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Hardwick, Herrin of Tallapoosa, Hightower, Holly of Covington, Irby, Jones, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Seale, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Thornton, Walden of Coosa, Walden of Morgan, Wright.

On motion of Mr. Hale, the call of the counties was suspended to take from the orders of the day the bill supplemental to, and in enlargement of, an act to authorize the city of Mobile to aid in the construction of a railroad, upon a vote of the citizens, approved 8th of February, 1858. The constitutional rule was suspended, the bill read the third time and passed, and ordered forthwith to the Senate.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Davidson: to regulate peddling in Bibb county.

Mr. Bush: to provide for the election of tax assessor in the several counties of the State, biennially.

Mr. Forney: to loan a portion of the three per cent. fund to the Alabama and Tennessee Rivers Railroad Company.

Mr. Clifton: joint resolutions proposing amendments to the constitution, so as to extend justices' jurisdiction to one hundred dollars, and give them original jurisdiction of assaults and batteries.

Mr. Warren: to establish a medical board in the county of Coffee.

Mr. Humphries: to authorize justices of the peace to appoint overseers of roads and other purposes in the county of Coosa.

Mr. Holly of Covington: regulating the real estate levied on by constables.

Mr. Griffin of Dale: authorizing the establishment of the office of county superintendent in the several counties in this State.

Mr. Fountain: to make the official bond of the tax collector operate as a lien on his property for the county revenue.

Mr. Irby : to revive and amend the charter of the Western Rail Road Company of Alabama.

Mr. Mabry : for the relief of Edward S. Watts and the heirs of Simeon A. Watts.

Also, to revive and amend the act incorporating the Broad Street Hotel Company, of Selma.

Mr. Coleman : amendatory of an act requiring certain duties of justices of the peace for the county of Fayette, approved the 2d of February, 1858.

Mr. Hale : to loan a portion of the three per cent. fund to the North-East and South-West Alabama Railroad Company.

Mr. Hobbs : to amend section 1473 of the Code of Alabama.

Mr. Martin : to amend section 1276 of the Code.

Mr. Scott : to incorporate the Huntsville and Big Cove turn-pike company.

Also, to amend section 397 of the Code of Alabama.

Mr. Brown of Marion : to amend the system of public schools, and for other purposes.

Mr. Walker : to cede to the United States title and jurisdiction over a certain island in the Gulf of Mexico on the coast of Alabama, known as Tower Island ; and for other purposes.

Also, to amend the laws relative to the Mobile Savings Company.

Mr. Forsyth : to incorporate the Bienville Hotel Company of Mobile.

Mr. Rice : to incorporate the trustees of the Methodist Episcopal Church, South, at Montgomery.

Mr. Shepard : to allow Thomas Kelly, of the county of Perry, to inherit the land of Jno. Kelly, deceased.

Which bills were severally read and ordered to a second reading.

Mr. Clitherall asked to be excused from serving on the committee to re-organize the judicial circuits of this State.

Granted.

Mr. Ramsey was appointed on said committee in place of Mr. Clitherall.

Mr. Neal : in relation to the duties of the judges of probate and commissioners' court.

Mr. Goldsmith : joint resolutions to amend the 16th section of the 6th article of the constitution of the State of Alabama.

Mr. Starke : to amend sections 660 and 664 of the Code of Alabama.

Mr. Ferrell : to exempt justices of the peace and constables from working on roads in Randolph county.

The hour of 12 o'clock arrived, when on motion of Mr. Clith-

erall, the general orders were suspended to finish the call of the counties and allow committees to report.

Mr. Calhoun: to alter and amend an act incorporating the town of Girard, in the county of Russell.

Mr. Seale: for the better regulation of slaves in Shelby county; also, in relation to free negroes; also, in relation to negro mechanics; and, to provide better for the payment of stock killed by railroads.

Mr. Bowden: altering the mode of assessing and collecting the taxes of Shelby county.

Mr. Ramsey: for the relief of James M. Manly, of Sumter county.

Mr. Bell: requiring justices of the peace to furnish the tax assessors with a list of the names of each tax payer in their respective beats.

Mr. Carter: to regulate in part section 1140 of the Code; exempting certain persons from working on roads.

Mr. Dark: joint resolutions to amend the Constitution of the State of Alabama.

Mr. Whitfield: to secure the construction of railroads in this State.

Also, joint resolution accepting the donation of lands by Congress to the State of Alabama, for the construction of a railroad from Elyton to a point at or near Beard's Bluff, on the Tennessee river, Alabama.

Mr. Tait of Wilcox: to compensate B. and M. Haddox for services rendered the State.

Also, to repeal a part of section 1130 of the Code.

Mr. Bibb: to divide the county of Winston, in the State of Alabama, into four commissioners' districts, and to provide for the election of such commissioners.

Which bills and joint resolutions were read the first time and ordered to a second reading.

Mr. Cunningham: to enforce the law against negroes living apart from their owners, was read the second time and referred to the Judiciary.

#### REPORT FROM COMMITTEE ON CORPORATIONS.

Mr. Hale reported favorably upon the bill to amend the charter of the town of Cahaba. The bill was ordered to be engrossed.

## REPORT FROM COMMITTEE ON LOCAL LEGISLATION.

Mr. Clitherall reported adversely to the bills to change the name of N. B. Able to that of N. A. Johnson, and for other purposes ; also for the bill to declare Amelia A. Thurston a free dealer.

Said reports were concurred in.

Mr. Clitherall, from same committee, reported back the bill to the House to consolidate the offices of tax collector and assessor in the county of Marion, and asked that it be referred to committee on ways and means.

Concurred in.

Mr. Clitherall reported favorably to the bill to repeal in part an act therein named, and for other purposes The bill was ordered to be engrossed.

## REPORT FROM COMMITTEE ON CORPORATIONS.

Mr. Walker reported amendments to the bill to incorporate the town of Newbern in Greene county, as follows: Strike out the words "one hundred" where they occur in the 4th section, and insert in lieu thereof the word "fifty." Second, after the word "sales," where it occurs in the 4th section, insert the words "by retail." Third, after the word "sales," where it occurs in the 5th section, add the following, to-wit: "Provides further, that the tax levied or collected on any other species of property shall not exceed the one-half of one per cent. per annum." Fourth, after the word "town," where it last occurs in the 8th section, add the following, to-wit: "in his presence." Fifth, after the word "intendant," where it occurs in the 5th section, add the following, to-wit: "and for any other breach of the peace, or violation of the ordinance, he shall arrest the offenders upon due legal process."

Amendments adopted, and bill as amended ordered to be engrossed.

Mr. Forsyth, from Committee on Internal Improvements, reported the following amendment to the bill to revive and amend the act incorporating the North-Western Railroad Company: Strike out the word "elsewhere," where it occurs in the 20th line, and insert in lieu thereof the words, "such point at or near Selma."

Amendment adopted; constitutional rule suspended; read the third time, and passed.

Mr. Starke, from Committee on Divorce and Alimony, reported favorably on the bill to divorce Nancy Mitchell from G. W.

Mitchell. The constitutional rule was suspended, the bill read the third time and passed.

Yeas, 75; nays, 15.

Yeas: Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowen, Bowden, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlyle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Jack, Jones, Knox, Lane, Lesueur, Lowe, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Scott, Seay, Seale, Smith of Coosa, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden, of Morgan, White, Whitfield, Wright.

Nays: Messrs. Speaker, Easley, Hardwick, Hearin of Clarke, Holley of Covington, Hubbard, Humphries, Irby, Latham, Lloyd, Shepard, Sherrod, Slater, Warren.

Mr. Starke, from same, reported a bill to divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named. Which bill was read the first time, and ordered to a second reading.

Mr. Hale, from Committee on Corporations, reported favorably to the bill to amend the charter of the city of Montgomery.

Mr. Rice moved to amend as follows: *Provided, also*, That the election of Marshall may be had at the next ensuing election without any further notice than may be implied from the passage of this act.

Adopted.

Bill as amended was then ordered to be engrossed.

Mr. Hale, from same committee, reported back to the House the bills to incorporate the Independent Blues at Selma; to incorporate the Tuskegee Light Infantry; asked to be discharged from the further consideration of the same, and that said bills be referred to Committee on Military Affairs.

Concurred in.

On motion of Mr. Cooper, the business before the House was suspended to allow Mr. Cooper to offer a resolution.

WHEREAS, The business of this House is much embarrassed by the noise and confusion emanating from the lobby and gallery, notwithstanding the repeated efforts of the Doorkeeper to preserve order, be it therefore

*Resolved*, That it shall be made the duty of the Doorkeeper to report to the chair the names of such persons as may interrupt the business of this House by loud talking, or other disor-



derly conduct; who shall be dealt with under such rules and regulations as are prescribed by law, and the ways of legislation for the preservation of order.

Adopted.

The House resumed the consideration of the bill to incorporate the Western Bank of Alabama.

Mr. Starke having obtained the floor, gave way to Mr. Rice, to make the motion to suspend the consideration of said bill to take up Senate message.

Carried.

Message from the Senate by Mr. Roberts.

SENATE, Nov. 22, 1859.

Mr. Speaker: The Senate has passed the following resolution:

*Resolved*, That no election for Solicitor of any judicial circuit of this State shall take place until the third week in January next.

Mr. Clayton moved to amend by striking out the words, "third week in January" and inserting "15th December."

Carried.

Mr. Clitherall moved to postpone the further consideration of the resolution until the second Monday in December.

Mr. Rice moved to amend the motion of Mr. Clitherall—until the second Monday in January.

Lost.

Yeas, 23; nays, 68.

Yeas: Messrs. Carter, Chambers, Ferrell, Fielder, Forney, Gilchrist, Griffin of Dale, Herman, Holley of Tallapoosa, Huckabee, Lane, Mabry, Meadows, Overall, Ramsey, Rice, Seay, Slater, Starke, Tate of Macon, Tate of Wilcox, Walker, Wright.

Nays: Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowen, Barodon, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Humphries, Irby, Jack, Jones, Knox, Latham, Lesueur, Lloyd, Lowe, Martin, McMurry, Musgrove, Neal, Oats, Parsons, Scott, Seal, Shepard, Sherrod, Smith of Coosa, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White.

When on motion of Mr. Clitherall, the House adjourned until 10 o'clock to morrow.

WEDNESDAY, Nov. 23, 1859.

House met pursuant to adjournment.

The Journal was read and approved.

The House resumed the consideration of the Senate resolution, which was being considered on yesterday, when the House adjourned.

Mr. Rice moved to amend by postponing the consideration of the resolution, until the Saturday before the second Monday in December.

Messrs. Rice and Clitherall both withdrew their amendments

Mr. Hubbard then moved to re-consider the vote by which the House amended the Senate resolution.

Carried.

Mr. Clayton then withdrew his amendment. The question was upon the original Senate resolution. When

Mr. Lloyd demanded the yeas and nays.

The resolution was concurred in.

Yeas, 66; nays, 28.

Yeas: Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Carlisle, Carter, Cary, Clapp, Clitherall, Cunningham, Dark, Davis, Easley, Ferrell, Fielder, Forney, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Jack, Jones, Knox, Lane, Latham, Lesueur, Lloyd, Mabry, McMurry, Meadows, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walden of Morgan, Walker, Whitfield, and Wright.

Nays: Messrs. Aldridge, Bowen, Bush, Calhoun, Chambers, Clayton, Clifton, Coleman, Cooper, Cowan, Davidson, Forsyth, Gibson, Humphries, Irby, Lowe, Martin, Scott, Shepard, Smith of Coosa, Taylor, Thomas, Walden of Coosa, Warren, White.

On motion of Mr. Clitherall, the resolution adopted on yesterday, in regard to the doorkeeper furnishing members of this House with postage stamps, was resumed.

Mr. Rice offered the following resolution:

*Resolve*, That the resolution heretofore adopted, by which ministers of the gospel were invited or requested to open the

daily session of this House with prayer, be, and the same is hereby rescinded.

Mr. Clitherall moved to amend as follows: And that the House will on to-morrow morning, at half-past 1 o'clock, proceed to the election of a chaplain.

Mr. Coleman moved to amend the amendment as follows: And that each member voting for such resolution, be bound to pay such chaplain out of his own funds.

Mr. Clitherall moved to lay the amendment to the amendment on the table.

Yeas 47, nays 44—carried.

Yeas—Messrs. Abney, Adams, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Bryan, Calhoun, Carter, Cary, Chambers, Clayton, Clifton, Clitherall, Cunningham, Dark, Ferrell, Forney, Forsyth, Gibson, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Irby, Jones, Lane, Mabry, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seale, Shepard, Starke, Tate of Macon, Taylor, Thomas, Walden of of Morgan, Walker, Whitfield.—47.

Nays—Messrs. Speaker, Aldridge, Barlow, Brown of Marion, Burgess, Bush, Clapp, Coleman, Cooper, Cowan, Davidson, Easley, Fielder, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hardwick, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Humphries, Jack, Knox, Latham, Lloyd, Lowe, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Seay, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Walden of Coosa, Warren, Wright.—44.

Mr Smith of Lauderdale moved to lay the amendment of Clitherall on the table.

Mr. Hale moved to lay the whole subject on the table.

Mr. Rice, by leave, withdrew the resolution.

#### CALL OF COUNTIES.

Bills were introduced by Mr. Lane :

For the relief of Jas. J. Allen of Conecuh county.

Mr. Smith of Coosa :

An act to incorporate the Wetumpka Light Guards.

Mr. Holley of Covington :

To amend section 4001 of the code.

Mr. Mabry :

To extend and define the corporate limits of the city of Selma.

Mr. Hale :

To enable defendants in certain cases to prove their offsets by their own oath.

Mr. Fountain:

To allow defendants to prove their set-off in certain cases.

Mr. Bryan:

To amend an act to incorporate the East Alabama male college, at Auburn, in Macon county, approved 1st February, 1856.

Mr. Clapp:

To authorize the court of county commissioners' of Marshall county to levy a special tax for the relief of certain persons therein named.

Mr. Lesueur:

For the relief Reese Price, late of Marengo county.

Mr. Walker:

For the improvement of the bay and harbor of Mobile.

Mr. Clitherall:

To regulate the trial of assaults and batteries and affrays.

Mr. Neal:

To amend section 1803 of the code.

Mr. Knox:

To loan a portion of the three per cent. fund to the Mobile and Girard railroad.

Mr. Stark:

To incorporate the Pike county insurance company.

Mr. McMurry:

To incorporate Louina Academy, in Randolph county.

Mr. Whitfield:

To authorize the sale of the State Arsenal building in the city of Tuscaloosa.

Mr. Bibb:

Providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house; were severally read the first time and ordered to a second reading.

Mr. Lowe:

To exclude free negroes and mulattoes from the State of Alabama, was read the first time. Mr. Walker moved to suspend the constitutional rule so as to give the bill a second reading.

Lost.

Mr. Griffin of Jackson:

To ascertain the sense of the people of Jackson county in regard to the permanent location of the site, and for other purposes therein named, was read the first time. Mr. Griffin moved to suspend the constitutional rule.

Lost.

Mr. Rice :

To authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery, was read the first time. Mr. Rice moved to suspend the constitutional rule.

Lost.

The bills were severally ordered to a second reading.

Mr. Rice presented the accounts of Dyer & Blythe, and J. L. Bunch ; which were referred to Committee on accounts.

Mr. Bibb presented the petition of Hugh McLelland ; which was referred to Committee on Education.

Mr. Irby offered the following rule :

*Resolved*, That hereafter standing committees shall be called for, report in the order in which they stand upon the committee board of this House, and in case the call should not be completed, the Speaker shall commence each day where he left off or the preceding day, which lies over one day.

#### REPORT FROM COMMITTEE ON LOCAL LEGISLATION.

Mr. Clitherall, from the Committee on Local Legislation, reported favorably upon the bill to compell the Nashville and Chattanooga railroad company to drain the ponds along the line of said road.

The bill was ordered to be engrossed.

#### REPORTS FROM THE JUDICIARY COMMITTEE.

Mr. Walker, from the Judiciary Committee, reported adversely to the bills to amend section 2763 of the Code of Alabama.

Amendatory of proceedings in chancery, said reports were concurred in.

Mr. Walker reported favorably on the bill to be entitled an act to re-arrange and fix the times of holding courts of chancery in middle chancery division. Mr. Clitherall moved to suspend the constitutional rule so as to give the bill a second reading forthwith.

Lost.

The bill was ordered to be engrossed.

Mr. Walker reported adversely to the bill to amend section 2767 of the code.

Mr. Coleman moved to lay the report upon the table.

Lost.

The report was then concurred in.

Mr. Walker reported favorably to the bill to amend the law in relation to the emancipation of slaves, pending, which the hour of 12 o'clock arrived, and the House proceeded to consider the

#### GENERAL ORDER.

Mr. Clitherall being entitled to the floor.

The House resumed the consideration of the bill to incorporate the Western Bank of Alabama, and amendments thereto.

Mr. Starke entitled to the floor, the question being upon the indefinitel postponement of the bill and amendments; after some discussion, Mr. Hale moved to postpone the further consideration of the motion to an indefinite postponement until to-morrow at 12 o'clock—carried.

Mr. Huckabee offered the following resolution by leave of the House.

*Resolved*, That when this House adjourns, it adjourn until Friday, the 25th instant, at 10 o'clock in deference to the proclamation of the Governor, which appoints to-morrow as a day of Thanksgiving and prayer—adopted.

Mr. Coleman moved to suspend the business before the House to offer a resolution.

Lost.

Senate, November 23, 1859.

Mr. Speaker: The Senate concurs in the resolution of the House to appoint a committee of three on the part of each House to examine, state and audit the accounts and vouchers of Jno. Whiting, commissioner and trustee of the State Bank and branches. Messrs. Chilton, Stone and Bynum, compose the committee on the part of the Senate.

The Senate has passed a House bill of the following title:

To amend the charter of the city of Montgomery.

The Senate has originated and passed bills of the following titles:

To incorporate the Clintonville Academy, in Coffee county.

To repeal an act to regulate the probate court of Franklin county.

The Senate has also passed a House bill of the following title:

An act supplemental to, and in enlargement of an act to authorize the corporate authorities of the city of Mobile, to aid in the construction of a railroad upon a vote of the citizens, ap-

proved 8th February, 1858; also joint resolutions on the subject of the recent outrage at Harper's Ferry.

On motion of Mr. Starke, the House proceeded to consider the joint resolutions on the subject of the recent outrage at Harper's Ferry; which were read.

Mr. Starke moved to suspend constitutional rule so as to read the resolution the second time, forthwith—carried. The resolution were read the second time, and on motion of Mr. Ramsey, referred to Committee on Federal Relations.

The House adjourned until Friday at 10 o'clock, on motion of Mr. Overall.

FRIDAY, Nov. 25th, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House a record of divorce, which was referred to Committee on Divorce and Alimony.

On motion of Mr. Bowden, the House suspended the call of the counties, and took from the order of the day, the Senate bill authorizing the administratrix of Nebb B. Kidd, to remove the administration from the county of Macon to the county of Shelby. The bill was read, the constitutional rule suspended.

Mr. Clitherall moved to amend as follows:

*Provided*, That the securities of the said administratrix file their assent in writing to the provisions of this act in the probate court of Macon and Shelby, before this act shall take effect—adopted. The bill was then read the third time, and passed, and ordered forthwith to the Senate.

Leave of absence was granted to Messrs. Warren, and Tait of Macon.

#### CALL OF COUNTIES.

Bills and joint resolutions were introduced by:

Mr. Gibson: joint resolution, to amend section 13, article 6 of the Constitution of the State of Alabama.

Mr. Forney: to incorporate the Jacksonville insurance company.

Mr. Holley of Covington: regulating the pay of witnesses in State cases.

Mr. Huckabee: for the relief of Hubert C. Childress, also to exempt certain property therein named from levy and sale under execution or other legal process.

Mr Hale : to regulate the pay of witnesses in criminal cases ; also an act for the relief of the estate of George Little.

Mr. Latham : to authorize an additional term of the chancery court in the county of Jackson.

Mr. Lesueur : to authorize the judge of probate of the different counties of this State to issue attachments in certain cases.

Mr. Brown of Marion : for the relief of Jacob Franks and Tyresa Franks.

Mr. Walker : to amend section 3022 of the code.

Mr. Overall : to give notice to defendants in attachment cases.

Mr. Rice : to incorporate the Central insurance company of Alabama, at Montgomery ; also relating to incorporated companies.

Mr. Abney : for the relief of Geo. W. Nettles of Monroe county.

Mr. Shepard : to invest a portion of the two per cent. fund.

Mr. Neal : In relation to lien of execution.

Mr. Clitherall : to change the tax on slaves sold by dealers and brokers ; also to enlarge the terms of the circuit court for Pickens county, and to change the time of holding the circuit court of Sumter county.

Mr. Hightower : to supersede the reissue of executions from justices' courts, after having once been issued, and for other purposes.

Mr. Ramsey : for the preservation of game in the county of Sumter ; also, for the relief of Thomas M. Hill, and others of Sumter county.

Mr. Lloyd : to provide for the removal of free negroes from the State of Alabama.

Mr. Bell : to authorize the probate court to grant an order to lease lands in certain cases.

Mr. Dark : to incorporate the Andrew Jackson Guards, in Dadeville, Tallapoosa county.

Mr. Easley : regulating grand and petit jurors for the county of Walker.

Mr. Cunningham : to incorporate the Southern Rifle company of the county of Macon ; which bills were severally read the first time and ordered to a second reading.

Mr. Davis : to incorporate the Limestone county Stock Agricultural Association ; which was read ; the constitutional rule was suspended. The bill was read the second and third time, and passed, and ordered forthwith to the Senate.

Mr. Whitfield : to make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa therein named ;



wichh was read; the constitutional rule suspended. The bill read twice, and referred to Committee on Corporations.

Mr. Cooper presented the petition of the State vs. Rath M. Mason; which was referred to Committee on Accounts and Claims.

House resumed the consideration of the bill and report, to amend the law in relation to the emancipation of slaves.

Mr. Clitherall moved to amend as follows: "Or other instrument," after testament in the 6th line of 1st section and 2nd of 2nd section, and 2nd line of 3rd section.

SEC. 4. *Be it further enacted*, That all laws and parts of laws authorizing the emancipation of any slave or slaves, by any proceeding before any court in the State of Alabama, are hereby repealed.

Mr. Hale moved to recommit the bill, with the amendment.

The hour of 12 o'clock having arrived, Mr. Smith of Lauderdale, moved to suspend the special and general orders, so as to allow Mr. Forsyth to conclude—carried.

When the motion of Mr Hale prevailed, and the bill and amendment was recommitted to the judiciary.

On motion of Mr. Clitherall, the special orders were suspended so as to proceed with the general orders.

#### ENGROSSED BILLS.

Incorporating the town of Newburn, in Greene county;

To divorce Nancy Mitchell from G. W. Mitchell;

To repeal in part an act therein named, and for other purposes;

To amend the charter of the town of Cahaba;

To re-organize and fix the times of holding the courts of chancery in the middle chancery division.

To compel the Nashville and Chattanooga railroad company to drain the ponds along the line said road; were severally read the third time and passed.

The bill to amend the charter of the city of Montgomery, was read the third time, and on motion of Mr. Rice, was laid on the table.

#### GENERAL ORDERS.

The bills:

To amend section 3285 of the Code of Alabama;

To amend an act to authorize the sale of personal property for distribution, approved 16th February, 1854, and to amend section 1678 of the Code;

To regulate the costs in criminal prosecutions in cases of change of name;

To better regulate the pay of State's jurors in certain cases;

To repeal section 3048 of the Code of Alabama;

The better to regulate the proceedings in probate courts, and for other purposes;

To provide for the removal of free negroes from the State of Alabama;

Joint resolutions proposing to amend the mode of amending and revising the Constitution;

To repeal the usury laws;

To amend section 3047 of the Code;

To authorize attorneys to administer oaths in certain cases;

To prevent free negroes from coming into this State;

Joint resolutions proposing amendments to the constitution, so as to extend justices' jurisdiction to one hundred dollars, and give them original jurisdiction of assaults and battreies;

Mr. Herman moved to amend by striking out one hundred and inserting "two hundred and fifty."

Mr. Griffin of Jackson: to strike out and insert "five hundred." These bills were severally read the second time, and referred to the Committee on the Judiciary;

To authorize the city of Selma to subscribe for railroad stock;

To incorporate the Mount Hebron male and female academy, in Greene county;

To incorporate the Mobile wine company;

To amend the charter of the LaFayette branch railroad company, and to change the name of said company;

To incorporate the Eutaw insurance company, of Greene county;

To incorporate the Mobile and Ohio telegraph company;

To incorporate the Montgomery and Troy rail road company;

To incorporate the Mountain rail road contracting company;

To incorporate the Lineville male and female academy, in Talladega county;

To incorporate 6 mile male and female academy, in Bibb county;

Said bill was referred to Committee on Local Legislation—recommended; and the bills were severally read the second time, and referred to Committee on Corporations;

The bill to prevent the banks of other States from substituting their small notes as the circulation in this State for gold and silver coin, was read the second time.

Mr. Starke moved to lay the bill on the table.

Mr. Cooper moved to postpone the further consideration of the motion and bill until the 25th day of January, 1860.

Mr. Coleman moved to lay that motion on the table.

Mr. Clitherall in the chair, decided the motion to be out of order, from which decision Mr. Walker appealed, and the question being, shall the decision of the chair stand as the judgment of the House; it was decided in the affirmative.

The question then was on Mr. Cooper's motion.

Yeas 32, nays 59.

Lost.

Yeas—Messrs. Speaker, Abney, Aldridge, Barlow, Brooks, Burgess, Bush, Calhoun, Carter, Clapp, Clifton, Cooper, Davis, Ferrell, Forsyth, Hardwick, Herman, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Jack, Latham, Lesueur, Lowe, McMurry, Neal, Sherrod, Smith of Lauderdale, Thornton, Walden of Coosa, Walker.—32.

Nays—Messrs. Adams, Bell, Bibb, Bowden, Bradley, Brown of Marion, Bryan, Carlyle, Cary, Chambers, Clayton, Chitherall, Coleman, Cunningham, Dark, Easley, Fielder, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin, of Clarke, Herren of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jones, Lane, Lloyd, Mabry, Martin, Meadows, Musgrove, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Seale, Shepard, Slater, Smith, Starke, Tate of Macon, Taylor, Thomas, Walden of Morgan, Whitfield, Wright.—59.

The question then recurred on Mr. Starke's motion to lay on the table.

Yeas 38, nays 55.

Lost.

Yeas—Messrs. Speaker, Abney, Aldridge, Barlow, Brooks, Burgess, Calhoun, Carlyle, Cary, Clapp, Cooper, Davis, Ferrell, Fielder, Forsyth, Gibson, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Huckabee, Jack, Knox, Lesueur, Lowe, Mabry, McMurry, Neal, Saffold, Shepard, Sherrod, Smith of Lauderdale, Starke, Tait of Wilcox, Walden of Morgan, Walker.—38.

Nays—Messrs. Adams, Bell, Bibb, Bowen, Bowden, Bradley, Brown of Marion, Bryan, Bush, Carter, Chambers, Clayton, Clifton, Clitherall, Coleman, Cunningham, Dark, Davidson, Easley, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marsall, Hardwick, Herren of Tallapoosa, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jones, Lowe, Latham, Lloyd, Martin, Meadows, Musgrove, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seale, Slater, Tay-

lor, Thomas, Thornton, Walden of Coosa, Whitfield, Wright.  
—55.

The question then was on the motion of Mr. Irby to refer the bill to the Committee on Banks and Banking—carried.

The bill to prohibit the passage of bank bills issued in any other State of a less denomination than five dollars, was read the second time, and referred to Committee on Banks and Banking.

The bills authorizing the qualified voters of Jackson county to elect a tax assessor for the term of two years.

Mr. Oats moved to strike out the words "Jackson county," and insert the several counties of this State.

To regulate the agencies of insurance offices not incorporated by the State of Alabama.

To regulate section 396 of the Code.

To provide for the election of tax assessor in the several counties of this State biennially; which bills were severally read the second time and referred to Committee on Ways and Means.

The bills for the relief of Thomas Gold;

For the relief of B. West;

To amend an act to provide for the burial expenses of the poor, approved 14th February, 1856; were severally read the second time and referred to Committee on Propositions and Grievances.

The Senate bill to enable the administrator on the estate of Wm. Johnson, deceased, to remove the administration to Tallapoosa county, was read the second time and ordered to a third reading.

The bills to change the county lines between the counties of Jefferson and Shelby, was read the second time and referred to Committee on County Boundaries.

The bills for the relief of George B. Saunders, register of the chancery court of Sumter county;

For the relief of Daniel G. Mays, tax collector of Greene county;

For the relief of Jno. P. Gates, tax collector of Pickens county; were severally read the second time and referred to Committee on Accounts and Claims;

For the appropriation of part of the two and three per cent. fund;

To own a portion of the three per cent. fund to the Alabama and Tennessee rivers railroad company; which bills were severally read the second time and referred to Committee on Internal Improvements;

The bills:

For the relief of Mirand Watson, of Coosa county ;

For the relief of Martha Ann C. Shaw, were severally read the second time and referred to the Committee on Divorce and

The bills:

Alimony ;

To incorporate the Louisville Blues in Barbour county ;

To incorporate the Talladega artillery company ;

To compensate the Eufaula Rifles ;

To repeal the militia laws and to encourage volunteer companies ;

To incorporate the Glennville volunteers, in Barbour county ;

To incorporate the Midway Southern Guards, in Barbour county ; were severally read the second time and referred to Committee on the Military ;

Mr. Clitherall moved that when the House adjourn, it adjourn to meet at 3 o'clock, P. M.

Lost.

The bills to incorporate the Eutaw Shore and Mobile steam-boat company ;

To locate permanently the seat of justice of Choctaw county ;

To compel the county treasurer to keep his office at the court house, and for other purposes therein named ;

In relation to the pay of grand and petit jurors of Dekalb county ;

To change the names of certain persons therein named ;

To establish a medical board in the county of Coffee ;

To regulate peddling in Bibb county ;

To amend an act entitled an act to locate the county site of Winston county, approved January 30th, 1858 ;

To regulate the fees of constables in the beat and town of Cahaba ;

To authorize the commissioners of revenue of Mobile county to make certain additions to, and improvements in the jail of said county ;

Authorizing the appointment of a general administrator and general guardian for Mobile county, and for other purposes ;

To regulate the pay of jurors in Randolph county ;

To repeal the law establishing commissioners' districts in the county of Walker ;

To authorize justices of the peace to appoint overseers of roads, and other purposes, in the county of Coosa ;

Which bills were severally read the second time and referred to Committee on Local Legislation ;

Message from the Senate by Mr. Roberts.

Senate, Nov. 25th, 1859.

Mr. Speaksr: The Senate has originated and passed bills of the following titles:

To renew an act to extend the debts due the 16th section;

To amend the charter of the town of Gainesville;

When on motion of Mr. Griffin of Marshall, the House adjourned until 10 o'clock to-morrow morning.

SATURDAY, Nov. 26, 1859.

House met pursuant to adjournment.

Journal was read and approved.

On motion of Mr. Clayton, the call of the counties was suspended, when he laid before the House a communication from various ministers of the Gospel of this city, which was read and ordered to lie upon the table.

Leave of absence was granted to Messrs. Smith of Coosa, and Adams.

Senate bills:

To repeal an act to regulate the probate court of Franklin county, was read the first time.

Mr. Oats moved to suspend the constitutional rule so as to give the bill a second reading forthwith.

Lost.

The bill was then ordered to a second reading.

To incorporate the Clintonville academy, in Coffee county;

To amend the charter of the town of Gainesville;

To renew an act to extend the debts due the 16th section; were severally read the first time and ordered to a second reading.

#### BILLS AND JOINT RESOLUTIONS

Were introduced by:

Mr. Chambers: to regulate the payment of costs in appeals from justices' courts;

Also, to authorize Greene S. Cox of the county of Barbour, to practice medicine;

Mr. Lane: to repeal sections 3271 and 3272 of the Code of Alabama;

Mr. Forney: for the relief of Jas. B. Farmer, sheriff and *ex officio* jailor of Calhoun county;

Mr. Clifton: To repeal an act therein named, so far as it relates to the Gadsden male and female academy;

Mr. Herman of Clarke: for the relief of Wiley Davis of Wilcox county;

Mr. Sherrod : to regulate the mode of assessing and collecting the taxes in this State ;

Mr. Clapp : to settle the term of office of county treasurer of Marshall county ;

Also, to exempt certain persons therein named from serving on juries, working on public roads and performing military duty in Marshall county ;

Mr. Musgrove : for the relief certain persons therein named ;

Mr. Walker : to exempt slaves from levy and sale under legal process ;

Also, to incorporate a medical college at Mobile ;

Mr. Overall : to make the clerk of the city court of Mobile elective by the people ;

Also, to authorize the coroners of this State to appoint bailiffs ;

Mr. Rice : for the relief of the next of kin of Joseph Rither, deceased, late of Montgomery county ;

Mr. Walden of Morgan : to amend section 1997 of the Code of Alabama ;

Mr. Neal : to amend section 5, article 4 of the school law, approved 4th February, 1856 ;

Mr. Clitherall : to compel owners and keepers of public ferries to attach aprons to their flats or boats ;

Mr. Ferrell : to incorporate the Wesobulga male and female academy, in the county of Randolph ;

Mr. Ramsey : to authorize Wm. H. Neville, of Sumter county to erect gates across a certain public road ;

Mr. Parsons : to amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across Tennessee river, approved 21st January, 1850 ;

Mr. Holley of Tallapoosa : for the removal of the administration on the estate of B. H. Cox, deceased, from the county of Macon to the county of Tallapoosa ; which bills were severally read and ordered to a second reading ;

Mr. Rice : for the relief of the creditors and distributees of Greene W. Cole, deceased ; which was read ; the constitutional rule suspended ; was read the second time and referred to Committee on Education ;

Mr. Ramsey : to amend section 1140 of the code, so far as it applies to Sumter county ; which was read ; the constitutional rule suspended ; was read the second time and referred to Committee on Local Legislation ;

Mr. Clitherall offered the following resolution :

*Resolved*, That the Committee on the Judiciary be instructed

to inquire into the expediency of the passage of an act to prevent slaves from carving or practising the mechanic arts, so as to prevent said slaves from competing in said arts with the white mechanics of Alabama.

Lost.

Mr. Cary moved to reconsider.

Lost.

Mr. Hale moved to reconsider the vote by which the House referred the bill to regulate the pay of insurance companies not incorporated by the State of Alabama on yesterday to the committee on ways and means.

Carried.

The bill was then referred to Committee on Corporations.

Mr. Tait of Wilcox presented the petition of commissioners of roads and revenue of the county of Wilcox, which was referred to Committee on Roads, Bridges and Ferries.

Mr. Forney offered the following resolution:

*Resolved*, That with the concurrence of the Senate, the two Houses will meet in convention in the hall of the House of Representatives on Monday, the 28th inst., at 12 o'clock, for the purpose of electing a chancellor of the southern division of Alabama.

Adopted.

Mr. Griffin, of Dale, offered the following resolution:

*Resolved*, That the Judiciary Committee be instructed to inquire whether justices of the peace are authorized or required by the existing laws to issue executions upon judgments in their courts as often as once a month; and if so, whether the law in that respect ought not to be so changed as to prevent the accumulation of costs from the too frequent issue of executions.

Message from the Senate.

SENATE, Nov. 26, 1859.

Mr. Speaker: The Senate concurs in the amendment made by the House to the bill to authorize the administratrix of Webb B. Kidd to remove the administration from the county of Macon to the county of Shelby.

The Senate has originated and passed the following bills:

To authorize the Savannah, Griffin, and North Alabama Railroad Company, of the State of Georgia, to extend their railroad from the Alabama line to some point on the Alabama and Tennessee River Railroad, between the town of Talladega, in the county of Talladega, and the town of Jacksonville, in the county of Calhoun;

To repeal election districts, and for other purposes;



To require owners of public ferries to attach banisters to their boats;

To amend an act granting the right of way to the Nashville and Chattanooga Railroad Company through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county, approved January 21st, 1850;

The better to secure the collection of certain taxes;

Which bills were read and ordered to a second reading.

Also the bill to incorporate the Book and Tract Society of the Alabama Conference of the Methodist Episcopal Church, South, was read; the constitutional rule was suspended; the bill was read the second time, and referred to Committee on Corporations.

The Senate bill to extend the terms of the city court of Mobile was read; the constitutional rule suspended; read twice, and referred to Committee on Local Legislation.

Mr. Aldridge, from Committee on Propositions and Grievances, to whom was referred the petition of Cheny Keys, have had the same under consideration, and report the following bill: For the relief of Cheny Keys; which was read, and ordered to a second reading.

Mr. Irby called up his resolution in regard to the reports of standing committees.

Adopted.

#### REPORTS FROM JUDICIARY COMMITTEE.

Mr. Walker reported a substitute to the bill to give the judge of probate of Pike county jurisdiction of the estate of James E. Crosswell, deceased. The substitute was adopted; constitutional rule suspended; the bill read three times, and passed.

Mr. Walker reported an amendment as follows to the bill to amend proceedings in chancery: authorizing registers in chancery to take acknowledgments of conveyances.

Amendment adopted. Bill ordered to be engrossed.

Mr. Walker reported favorably to the bill to amend section 3608 of the Code.

The bill was ordered to be engrossed.

Mr. Walker reported a substitute to the bill to authorize Jno. A. Lodor, of Dallas county, to pay over certain moneys in his hands as administrator belonging to unknown heirs, or to the State. Substitute adopted, and ordered to be engrossed.

Mr. Walker reported adversely to the bill to amend section 2175 of the Code.

Mr. Hale reported adversely to the bill for the better reg-

ulation of jails and appointment of jailors; and to amend section 1339 of the Code.

Mr. Forney reported adversely to the bill to amend the law upon the subject of justices of the peace.

Which reports were severally concurred in.

Mr. Forsyth, from Committee on Internal Improvements, reported favorably on the bill to incorporate the Columbus and Fayetteville Railroad Company. The bill was ordered to be engrossed.

Mr. Smith of Lauderdale, from Committee on Banks and Banking made the following report:

The Committee on Banks and Banking, to whom was referred the reports of commissioners appointed by His Excellency, the Governor, to examine into the condition of the Bank of Mobile, the Southern Bank of Alabama, the Commercial Bank, the Central Bank and the Eastern Bank, have had the same under consideration, and instruct me to report that these several reports show each of these banks to be in a good and prosperous condition, and made according to the provisions of the law; but no affidavits accompany the reports from the Bank of Mobile and the Southern Bank of Alabama. Which report was ordered to lie on the table.

Mr. Smith of Lauderdale, from same committee, reported back to the House the report of P. S. Sayer, bank attorney, and asked to be discharged from its further consideration. Concurred in.

On motion of Mr. Mabry, the report was referred to a joint committee to examine, audit and state the accounts and vouchers of Jno. Whiting.

#### WAYS AND MEANS.

Mr. Irby reported favorably to the bill to consolidate the offices of tax collector and assessor in the county of Marion.

Also, to the bill authorizing the probate court of Mobile county to grant licenses for amusements, shows and exhibitions in said county.

Which bills were ordered to be engrossed.

Mr. Irby reported adversely to the bill to repeal in part section 391 of the Code.

Mr. Hudgins moved to postpone the further consideration of the report and bill till the second Monday in December.

Pending which motion, the hour of 12 o'clock arrived, for which hour there were special orders, which were suspended on motion of Mr. Clitherall, to consider the general orders.

Mr. Irby moved to suspend general orders, so as to order the resolution bringing on the chancellors' election to the Senate.  
Lost.

#### GENERAL ORDERS.

The bills :

To authorize an addttional term of the chauncery court in the county of Jackson ;

To authorize the court of county commissioners of Marshall to levy a special tax for the relief of certain persons therein named ;

To divorce Arthur Avery from his wife, Ann Avery ; and to divorce other persons therein named ;

Were severally read the second time, and ordered to be engrossed.

The bill to authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery, was read the second time.

Mr. Clitherall moved to amend as follows :

*Provided*, That the fees of the probate judge of Lowndes county shall be the fees of the probate judge of Montgomery county.

Adopted.

Bill was ordered to be engrossed.

The bills :

To regulate the pay of witnesses in criminal cases.

For the relief of Hubert C. Childress ;

To exempt certain property therein named from levy and sale under execution or other legal process ;

Regulating the pay of witnesses in State cases ;

Joint resolution to amend section 13, article 6, of the constitution of the State of Alabama ;

To exclude free negroes and mulattoes from the State of Alabama ;

To amend section 1803 of the Code ;

To regulate the trials of assaults and batteries and affrays ;

To allow defendants to prove their set-off in certain cases ;

To enable defendants in certain cases to prove their offsets by their own oaths ;

To amend section 4001 of the Code ;

Regulating the sale of real estate levied on by constables ;

To make the official bond of the tax collector operate as a lien on his property for the county revenue ;

For the relief of Edward S. Watts and the heirs of Simeon A. Watts;

To amend section 1276 of the Code;

To amend section 1473 of the Code of Alabama;

To cede to the United States title and jurisdiction over a certain island in the Gulf of Mexico, on the coast of Alabama, known as Tower Island, and for other purposes;

To allow Thomas Kelly, of the county of Perry, to inherit the lands of John Kelly, deceased;

In relation to the duties of the judges of the probate and commissioners court;

To amend section 684 of the Code of Alabama;

In relation to free negroes;

In regard to negro mechanics;

To provide better for the payment of stock killed by railroads;

To amend the constitution of the State of Alabama;

Which were severally read the second time, and referred to the Committee on the Judiciary.

The bills:

To incorporate Louina Academy in Randolph county;

To incorporate the East Alabama Male College at Auburn, in Macon county, approved 1st February, 1856;

To extend and define the corporate limits of the city of Selma;

To revive and amend the act incorporating the Broad Street Hotel Company, of Selma;

To incorporate the Huntsville and Big Cove Turnpike Company;

To amend the law in relation to the Mobile Savings Company;

To incorporate the trustees of the Methodist Episcopal Church, South, at Montgomery;

To alter and amend an act incorporating the town of Girard, in the county of Russell;

Which bills were read the second time and referred to Committee on Corporations.

The bills to incorporate the Jacksonville Insurance Company, and to incorporate the Pike county Insurance Company, were read the second time; and

Mr. Clitherall moved the following amendments to each:

*Provided*, That the General Assembly may at any time hereafter alter, modify or repeal this charter. And provided further, that nothing contained in this act shall be construed as conferring upon said company banking powers or privileges.

And provided further, that no bank note or bill issued or made by any bank created or established by the authority of any of one of the sister States, or of any foreign country, shall be paid out under any circumstances by the company created by this act, or by any of its officers or agents, under the penalty of forfeiture of the charter by this act created.

Which bills and amendment were referred to Committee on Corporations.

The bills:

For the relief of Jamss H. Manley, of Sumter county;

For the better regulation of slaves in Shelby county;

To exempt justices of the peace and constables from working on roads in Randolph county, Alabama;

To incorporate the Bienville Hotel Company, of Mobile;

An act amendatory of an act requiring certain duties of justices of the peace for the county of Fayette, approved 2d February, 1858;

An act providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house;

For the relief of Gray Little;

Which bills were read the second time and referred to Committee on Local Legislation.

The bill to divide the county of Winston, in the State of Alabama, into four commissioners' districts, and to provide for the election of said commissioners, was read the second time.

Mr. Bowden moved to amend by adding, the county of Shelby.

Adopted.

The bill was then referred to Committee on Local Legislation.

The bills and joint resolutions:

Declining the donation of bonds by Congress to the State of Alabama, for the construction of a railroad from Elyton to a point at or near Beard's Bluff, on the Tennessee river, Alabama;

To secure the construction of railroads in this State;

To loan a portion of the three per cent. fund to the North-east and South-west Alabama Railroad Company;

For the improvement of the bay and harbor of Mobile;

To loan a portion of the three per cent. fund to the Mobile and Girard Railroad;

Which bills were read the second time, and referred to Committee on Internal Improvements.

The bill to revive and amend the charter of the Western

Railroad Company of Alabama, was read the second time, when Mr. Irby moved to amend section —.

*Be it further enacted,* That said Western Railroad Company shall have power to construct such branch railroad or roads as the board of directors of said company may deem proper to connect with any other railroad or roads.

Adopted.

The bill was referred to Committee on Internal Improvements.

The bill requiring justices of the peace to furnish the tax assessors with a list of the names of each tax payer in their respective beats.

Altering the mode of assessing and collecting the taxes in Shelby county ;

To amend section 397 of the Code of Alabama ;

Which bills were read the second time, and referred to Committee on Ways and Means.

The bills :

To amend the system of public schools, and for other purposes ;

To regulate the law authorizing the establishment of the office of county superintendent in the several counties of this State ;

Were severally read the second time, and referred to Committee on Education.

The bills :

To repeal a part of section 1130 of the Code ;

To repeal in part, section 1140 of the Code :

Exempting certain persons from working on public roads ;

Were read the second time, and referred to Committee on Roads, Bridges and Ferries.

The bills :

To compensate B. and M. Haddock for services rendered the State ;

For the relief of Keese Price, late of Marengo county ;

Were read twice and referred to Committee on Accounts and Claims.

Joint resolutions to amend the 16th section of the 6th article of the constitution of Alabama ;

For the relief of Joseph J. Allen, of Conecuh county, Alabama ;

Were read the second time, and referred to Committee on County Boundaries.

To incorporate the Wetumpka Light Guards ;

To authorize the sale of the State Arsenal building, in Tuscaloosa ;

Were read the second time, and referred to Committee on the Military.

The bill to ascertain the sense of the people of Jackson county in regard to the permanent location of the county site, and for other purposes therein named, was read the second time, and referred to the delegation from Jackson.

When on motion of Mr. Clitherall, the House adjourned until 10 o'clock on Monday.

MONDAY, Nov. 28, 1859.

House met pursuant to adjournment.

Journal was read and approved.

Mr. Speaker laid before the House two records of divorce. Referred to Committee on Divorce and Alimony.

Mr. Clitherall, by leave, offered the following resolution :

*Resolved*, That a committee of five be appointed by the chair to act with a like committee on the part of the Senate, whose duty it shall be to make the necessary arrangements for the inauguration of the Governor elect ; and the said committee is hereby invested with the powers usually exercised by like committees.

Adopted.

Messrs. Clitherall, Clayton, Irby, Davis and Barlow compose said committee on the part of the House.

Mr. Walker moved to reconsider the vote by which the House adopted the resolution on Saturday to elect a chancellor of the southern division to-day.

Lost.

On motion of Mr. Hubbard, the resolution was ordered forthwith to the Senate.

Mr. Scott, from Committee on Enrolls, reported the following bills as correctly enrolled :

The committee on enrolled bills have instructed me to report back to the House that they have examined the following bills, and find them correctly enrolled, to-wit :

A bill to be entitled, An act to amend the charter of the city of Montgomery ;

A bill to be entitled, An act supplemental to, and in enlargement of, an act to authorize the corporate authorities of the city of Mobile to aid in the construction of a railroad, upon the vote of the citizens, approved 8th February, 1858 ;

And a bill to be entitled, An act to amend the law in relation to the sale of lands belonging to the estate of deceased persons, in certain cases.

S. S. SCOTT, Chairman.

## CALL OF THE COUNTIES.

Bills and joint resolutions were introduced by :

Mr. Davidson : to enable W. H. Raysdale, the guardian of Wm. Nicholas, a lunatic in Bibb county, to sell the real and personal property of said lunatic, or as much thereof as may be necessary to pay his debts.

Mr. Cary : for the benefit of insolvent white persons confined in jail in any county in this State.

Mr. Walden of Coosa : to establish a medical board in the city of Wetumpka.

Mr. Martin : to authorize John Samson to establish a public ferry on Cahaba river, in Jefferson county.

Mr. Mabry : to authorize the administrator of Davey Firn, deceased, to sell the negroes belonging to said estate.

Mr. Hale : to incorporate the Sumter Mounted Guards.

Mr. Walker : to make Matilda H. McArthur, of Mobile, a free dealer.

Mr. Rice : in fulfillment of the duty imposed upon the General Assembly by the last sentence of the fifth section of the sixth article of the constitution of the State of Alabama.

Mr. Griffin of Marshall : to regulate suits brought before justices of the peace of Marshall county.

Also, to amend section 2462 of the Code.

Mr. Clitherall : to prevent frivolous and malicious prosecutions.

Mr. Ramsey : to incorporate the Livingston Insurance Company.

Mr. Whitfield : to amend the charter of the North-east and South-west Alabama Railroad Company.

Also, to incorporate a cemetery in the county of Tuscaloosa.

Mr. Irby : to compensate surgeons and physicians for attending coroners' inquests.

Which bills were severally read, and ordered to a second reading.

Mr. Clitherall : joint resolution for the purchase and distribution of Smith's Alabama Justice, which was read ; the constitutional rule being suspended, was read the second time, and referred to Committee on the Judiciary.

House resumed the consideration of the adverse report of the Committee on Ways and Means to the bill to repeal in part section 391 of the Code ; the question being upon the motion of Mr. Hudgins to postpone the report and bill till the second Monday in December.

Lost.



The report was then concurred in.

Yeas, 74; nays, 15.

Yeas—Messrs. Abney, Aldridge, Bell, Bibb, Bowen, Bowden, Bradley, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Humphries, Irby, Jack, Jones, Knox, Latham, Le-seuer, Lloyd, Lowe, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Ramsey, Rice, Seale, Shepard, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Warren, Wright.

Nays—Messrs. Speaker, Barlow, Coleman, Cooper, Forsyth, Huckabee, Hudgins, Lane, Mabry, Overall, Thornton, Walden of Morgan, Walker, White, Whitfield.

Mr. Clitherall, from Committee on Local Legislation, reported favorably on the bills to regulate the fees of constables in the beat and town of Cahaba, in Dallas county.

Also, to repeal the law establishing commissioners' districts in the county of Walker.

Also, to amend section 1140 of the Code, so far as it applies to Sumter county.

Mr. Overall, from same committee, reported favorably to the bill authorizing the appointment of a general administrator and general guardian for Mobile county, and for other purposes.

Also, to the bill to authorize the commissioners of revenue of Mobile county to make certain additions to, and improvements in, the jail of said county.

Also, to incorporate the Eastern Shore and Mobile Company.

Which bills were severally ordered to be engrossed.

Mr. Clitherall reported adversely to the bills to regulate peddling in Bibb county, and to change the names of certain persons therein named; which reports were concurred in.

Mr. Clitherall reported an amendment to the bill to establish a medical board in Coffee county, as follows: Strike out all after the word "board," in 13th line, first section, and insert the words, "who are hereby invested with all the power, and subjected to all the liabilities, provided by the Code of Alabama in relation to like societies."

Adopted, and bill ordered to be engrossed.

Mr. Overall reported an amendment to the caption of the bill

to extend the term of the city court of Mobile as follows: To amend an act entitled an act to repeal an act therein named; regulating the sessions of the circuit and city court of Mobile county, approved February 5th, 1858.

Adopted.

The bill was ordered to a third reading.

The Senate concurs in the resolution of the House, to elect a chancellor to-day at twelve o'clock for the southern chancery division.

Mr. Hale, from Committee on Corporations, reported a substitute to the bill amendatory of the act to incorporate the town of Troy, approved 4th February, 1845.

Mr. Clitherall moved to refer the bill and substitute to the Committee on the Judiciary.

Lost.

Substitute adopted.

Mr. Starke moved to suspend the constitutional rule, so as to give the bill a third reading.

Lost.

The substitute was then ordered to be engrossed.

Mr. Hale reported favorably to the bill to incorporate the Six Mile Male and Female Academy, in Bibb county.

Also, to incorporate the Mt. Hebron Male and Female Academy, in Greene county.

The bills were ordered to be engrossed.

On motion of Mr. Bibb, the House took an informal recess, preparatory to the election of a chancellor.

The Senate was invited into the hall of the House at 12 o'clock M. where the two Houses in joint convention proceeded to the election of a Chancellor for the southern division of Alabama.

Messrs. M. J. Saffold and Wade Keyes in nomination.

Those who voted for Mr. Saffold, were, Messrs. Austin, Burnett, Bynum, Calhoun, Cleveland, Felder, Heflin Higgins, Hill, Jones of Fayette, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate; and Messrs. Aldridge, Bibb, Bowen, Barodon, Brown of Marion, Burgess, Bush, Calhoun, Carlyse, Chambers, Clapp, Clifton, Clitherall, Coleman, Cowan Dark, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humpries, Irby, Jack, Knox, Latham, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Shepard, Slater, Smith of Coosa,

Smith of Lauderdale, Starke, Tait, of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, of the House.—84.

Those Who voted for Mr. Keyes, were, Messrs. President, Brewer Bullock, Chilton, Cocke, Fleming Griffin, Horn, Jackson, Jemison, McIntyre McSpadden, of the Senate; and Messrs. Speaker, Abney, Barlow, Bradley, Carter, Clayton, Cooper, Davidson, Gilchirst, Goldsmith, Griffin of Marshall, Hale, Holley, Jones, Lane, Lowe, Oats, Parsons, Rice, Seale, Sherrod, Tate of Macon, Walden of Morgan, Walker, Whitfield, Wright, of the House.—37.

Mr. Saffold having received a majority of all the votes cast was declared by Mr. Speaker, to have been duly elected Chancellor for the term prescribed by the constitution.

The Governor through his private Secretary, Mr. Watt Phelan, laid before the House the report of the Trustees of the University which was referred to committee on the University.

Message from Senate by Mr. Roberts.

Mr. Speaker: The Senate has passed Bills of the following titles:

Authorizing the qualified voters of each County to elect a Tax Assessor for the year;

To authorize the Commissioners of Mobile County to elect an Inspector of sawed Timber and square Timber &c., for said County;

To Incorporate the Tennessee Valley Agricultural and Mechanical Association;

To repeal an act Incorporating the Town of Dadeville;

Also, House Bill, to prohibit the sale of spirituous Liquors within one mile of the Village of Clay Hill in the county of Pike.

Which Senate bills were severally read the first time.

Mr. Hudgins moved to suspend the constitutional rule so as to give the first named bill in the Message a second reading forthwith.

Lost.

The bills were then ordered to a second reading.

The Senate has also adopted the following resolutions:

*Resolved*, That the two Houses assemble in the Hall of the House of the Representatives on Wednesday the 30th inst., at half past one o'clock P. M., for the purpose of electing a Senator to the Congress of the United States to fill the vacancy occasioned by the expiration of the term of the Hon. Benjamin Fitzpatrick on the 4th of March, 1861.

Mr. Hubbard moved to postpone indefinitely the Resolution.  
Mr. Rice moved to adjourn until 10 o'clock to-morrow.

Lost.

Yeas, 45; Nays, 47.

Yeas—Messrs. Speaker, Barlow, Bibb, Bradley, Clapp, Clayton, Clitherall, Coleman, Cowan, Davidson, Easley, Fielder, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Jack, Jones, Knox, Lane, Latham, Lesueur, Lowe, Neal, Overall, Ramsey, Rice, Scott, Seay, Sherrod, Slater, Starke, Tait of Wilcox, Walker, Warren, White, Whitefield.—45.

Nays—Messrs. Abney, Aldridge, Bell, Bowen, Bowdon, Brown of Marion, Bryan, Bush, Calhoun, Carlysle, Carter, Chambers, Clifton, Cooper, Dark, Davis, Ferrell, Forney, Forsyth, Gibson, Griffin of Jackson, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Hudgins, Humphries, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Parsons, Seale, Shephard, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Taylor, Thomas Thornton, Walden of Coosa, Walden of Morgan, Wright—47.

Mr. Clitherall moved to adjourn until half past 9 o'clock to-morrow.

Carried.

TUESDAY, Nov. 29th, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Clitherall from joint committee to whom was assigned the duty of making arrangements for the inauguration of the Governor elect instructs me to report that in the performance of that duty they have solicited Mr. H. J. P. Watson, as marshal of the day. Rev. Dr. Petril as chaplain, and have invited the Montgomery True Blues, Capt. Lomax, to act as the escort.

The procession will move from the Montgomery Hall at 11 A. M., on Thursday next and will be received by the two houses in convention.

The particular details will depend on the weather at the time and will be announced to each house on their meeting on Thursday.

Speaker laid before the house a record of divorce which was referred to committee on divorce and alimony.

Mr. Hale offered the following resolution, which was adopted :

*Resolved*, That the committee on State Printing be instructed to have printed for the use of the house 1500 copies of a blank

form of certificates for the pay of the *per diem* and mileage of the members of this house.

Mr. Walker offered the following resolution :

*Resolved*, That His Excellency the Governor be requested to communicate to this house at his earliest convenience what action (if any) has been taken to secure to this State the swamp lands granted by the act of Congress, to enable the State of Arkansas and other States to reclaim the swamp lands within their limits approved Sept. 28th, 1850, together with all the information in his possession relative to the quantity, location, probable value of said lands, and that he be further requested to recommend to the General Assembly such place as his own wisdom may suggest for the realization by this State of the benefits of said act.

Adopted.

Mr. Ferrell offered the following resolution ;

*Resolved*, That the committee on education be requested to examine into the expediency of striking out the words "three school trustees" where it occurs in section 503 of the Code of Alabama, and insert in lieu thereof "one school trustee" and to pay said trustee for his services while in actual service.

#### CALL OF COUNTIES.

Bills and joint resolutions were introduced by :

Mr. Bowen : to change the county line between the counties of Barbour and Pike.

Mr. Oats: to allow Saml. Crosbie and J. J. Bailey to erect fish traps on Big Bear creek in the county of Franklin.

Mr. White: to locate permanently the seat of justice in Washington county; also, for the relief of Wm. H. Jordan.

Mr. Whitfield: to obviate captious objections and to ensure speedy trial in certain cases, which bills were read and ordered to a second reading.

The resolution from the Senate bringing on the election of United States Senator was in order which on motion was suspended to allow committees to report.

#### REPORT FROM CORPORATIONS.

Mr. Hale reported favorably to the bill to amend the charter of the Lafayette branch Railroad company, and to change the name of said company.

Mr. Walker reported favorably to incorporate the Mobile and Ohio telegraph company ;

Also, to the bill to incorporate the Mobile wine company.

Mr. Bell reported favorably to the bill to incorporate the Lineville male and female academy, in Tallapoosa county; which bills were severally ordered to be engrossed.

Mr. Wright, from Committee on Propositions and Grievances, reported adversely on the bill and petition for the relief of Thos. Gold, of Jackson, concurred in.

#### ACCOUNTS AND CLAIMS.

Mr. Griffin of Marshall, reported adversely to the petition of L. D. Marsh, also to the account of J. L. Bunch; also, to the account of Thomas Flemden; also, to the bill for the relief of George B. Saunders, register of chancery in Sumter county.

Mr. Gibson, from same committee reported adversely to the bill for the relief of Daniel L. Dyer, of Sumter county; which several reports were concurred in.

Mr. Griffin of Marshall, reported favorably to the bill to compensate E. C. Greene.

Mr. Gibson, from same committee reported favorably to the bill for the relief of Jno. P. Gates, tax collector of Pickens county; which bills were ordered to be engrossed.

Mr. Gibson, from same committee reported bills for the relief of Lewis White of Blount county.

To compensate Dyer T. Blythe, for services rendered; which bills were read and ordered to a second reading.

Mr. Starke, from Committee on Divorce and Alimony, reported the following bills:

To divorce Wesley M. Pinson from Susan A. Pinson, and to divorce other persons therein named.

To divorce Dennis L. Hawthorn, from his wife Sarah Ann Hawthorn, and to divorce other persons therein named.

To divorce Elizabeth Sumley from her husband, Irwin E. Sumley, and to divorce other persons therein named; which bills were read and ordered to a second reading.

Mr. Walker, from the judiciary reported adversely to the bill to authorize attorneys to administer oaths in certain cases.

Also to the bill to restrain the pardoning power, and for other purposes.

Also to the bill to enforce the law against negroes living apart from their owners.

Mr. Forney, from the Judiciary reported adversely to the bill to amend section 1803 of the Code.

Also to the bill to amend section 3047 of the Code; which reports were concurred in.

Mr. Walker, from the Judiciary Committee reported adversely to the resolution to inquire into the propriety of amending the criminal law of this State, so as to facilitate the trial of criminal cases; and also of making such change in the same as to require the State and the prisoner to announce themselves ready for trial before an order shall be made for the issuance of a *venire* of tales jurors. Concurred in.

Mr. Walker, from the Judiciary reported the following amendment to the bill making the bond of the tax collector operate as a lien on his property for the county taxes:

Strike out the words "of his securities during the default," at the end of said bill and insert "of those who are his sureties at the time of the default.

Adopted.

Mr. Walker, from the Judiciary, reported favorably to the bill to cede to the United States title and jurisdiction over a certain island in the Gulf of Mexico, on the coast of Alabama, known as Lower Island, and for other purposes.

The bills were ordered to be engrossed.

Mr. Chambers, from Committee on Internal Improvements, reported the following amendments to the bill to incorporate the South-Western railroad: between the words "Georgia," and "be," where they occur in the fifth line, insert the words "for the purpose of authorizing said company to extend its road from the point on the Western bank of the Chattahoochee river at which said company shall cross said river to any suitable point for a depot which may be selected, either within or near the city of Eufaula; and also for the purpose of a similar extension of said road from the point at which said road shall cross the said river near the town of Fort Gaines, in Georgia, to a suitable terminus within or near the town of Franklin, in this State." Strike out all between the word authorize, where it occurs in the third line of the 2nd section, and the word "and" where it occurs in the second line from the top of the second page, and insert in lieu thereof, to locate and construct single or double track railways between the points hereinbefore designated, and to use the same for the transportation of persons or property, either by steam or any other power." Strike out all after the word "provided," where it occurs near the close of the second section, and insert in lieu thereof, "said company shall make fair compensation to all real estate owners along the line of said roads for the lands that may be used or condemned for the use of said roads according to the provisions for such purposes made in the charter of the Girard railroad company, granted by the State of Alabama, the benefit of which provisions

are hereby granted to the said the South-Western railroad company: *Provided, also*, That nothing herein contained shall authorize said company to exercise banking privileges or construct branch railroads from either of the lines authorized." Strike out all of section third.

Amendments adopted, and the bill ordered to be engrossed.

Mr. Lesueur, from committee on 16th section reported a bill for the relief of Wm. A. Bishop, of Tuscaloosa county; which was read and ordered to a second reading.

Mr. Scott reported the bill to prohibit the sale of spirituous liquors within one mile of Clay Hill, in Pike county, as correctly enrolled.

The House proceeded to consider the Senate resolution bringing on the election of a United States Senator.

The hour of 12 o'clock arrived, when on motion of Mr. Smith of Lauderdale, the special and general orders were suspended to proceed with the consideration of the resolution.

Yeas 66, nays 30.

Ayes—Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Bowden, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Fielder, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Jones, Knox, Lane, Latham, Lesueur, Lloyd, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Parsons, Seay, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Warren, Wright.—66.

Nays—Messrs. Abney, Adams, Barlow, Bradley, Brooks, Brown of Marion, Clitherall, Cunningham, Davidson, Easley, Griffin of Dale, Hale, Hubbard, Huckabee, Irby, Jack, Lowe, Mabry, Neal, Ramsey, Rice, Saffold, Scott, Sherrod, Slater, Tait of Wilcox, Walden of Morgan, Walker, White, Whitfield.—30.

Mr. Ramsey moved to adjourn until 10 o'clock to-morrow.

Lost.

After some discussion, on motion of Mr. Hubbard the House adjourned until 10 o'clock to-morrow.

WEDNESDAY, Nov. 30, 1859.

House met pursuant to adjournment.

The journal was read and approved.



## CALL OF COUNTIES.

Bills and joint resolutions were introduced by Mr. Clayton :

To provide for the payment of costs in certain cases ;

Also to provide for the building of a State arsenal, at Montgomery.

Mr. Forney : to amend the charter of the Alabama and Georgia railroad company, approved 19th January, 1850.

Mr. Thornton : requiring the county superintendant of public schools to hold their office at the court house of their respective counties.

Also to regulate the fees of the judge of probate of Cherokee county, in certain cases.

Mr. Walker: to change the mode of compensation of the Attorney General and Solicitor.

Also to regulate pleading in criminal cases.

Mr. Starke : to incorporate the Orion Blues of Pike county.

Mr. Calhoun : to define the liability of the Mobile and Girard railroad company.

Mr. Ramsey : to compensate probate judges for certain services therein named.

Also the better to preserve subordination among slaves.

Mr. Dark : to amend section 210 and 211 of the Code of Alabama.

Mr. Rice: to regulate banking and peddling, which bills were read and ordered to a second reading.

Mr. Ramsey : to increase the efficiency of the patrol law ; which was read.

Mr. Ramsey moved to suspend the constitutional rule so as to give the bill a second reading.

Lost.

Mr. Clitherall : to refund to Jno. P. Gates of Pickens county, a sum over paid by him, as tax collector, into the treasury ; which was read.

Mr. Clitherall moved to suspend the constitutional rule so as to give the bill a second reading, forthwith.

Lost.

The bills were ordered to a second reading.

Mr. Hobbs : joint resolution, providing for a seal of the State, which was read and ordered to a second reading.

Mr. Walker moved to re-consider the vote by which the House on yesterday concurred in the adverse report of the Judiciary Committee to the resolution to inquire into the propriety of amending the criminal laws of this State, so as to facilitate

the trial of criminal cases, and also of making certain changes, &c., in the criminal laws.

The motion prevailed, and the report and bill was laid on the table.

Mr. Hobbs offered the following resolution:

*Resolved*, That the hall of this House be tendered to the principal and pupils of the deaf and dumb school this afternoon, at half-past 3 o'clock, for the purpose of exhibiting to the members of the General Assembly, what success has attended the system of instruction pursued in said school.

Adopted.

The House resumed the consideration of the Senate resolution proposing to bring on the senatorial election to-day at half-past 11 o'clock.

Message from the Senate.

Senate, Nov. 29th, 1859.

Mr. Speaker: The Senate concurs in the resolution of the House, proposing to appoint a committee of five on the part of each House to make the necessary arrangements for the inauguration of the Governor elect. Messrs. Jones of Greene, Jackson, Cleaveland, Bynum and Stone, compose said Senate committee.

The Senate has also passed a House bill to incorporate the Limestone county stock agricultural and mechanical association.

The Senate has also originated and passed a bill to authorize the city council of Eufaula to indemnify subscribers to certain stock in the South-Western railroad of the State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city.

SENATE, Nov. 30, 1859.

Mr. Speaker: The Senate has originated and passed the following bills:

To amend the charter of the North Alabama telegraph company;

For the relief of Wm. J. Kennedy;

To more effectually prevent burglary and enticing slaves away to non-slaveholding States;

To amend the charter of the town of Demopolis, and to confer additional powers upon the corporate authorities of said town;

Message from the Governor.

Mr. Speaker: His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act supplementary to, and in enlargement of, an act to authorize the corporate authorities of the city of Mobile to aid in the construction of a railroad, upon a vote of the citizens, approved 8th February, 1858.

An act to amend the charter of the city of Montgomery.

An act to amend the law in relation to the sale of lands belonging to the estates of deceased persons, in certain cases.

An act to prohibit the sale of spirituous liquors within one mile of Clay Hill, in the county of Pike.

WATKINS PHELAN, Private Secretary.

The hour of 12 o'clock arrived, when

On motion of Mr. Cooper, the general orders were suspended. Yeas, 69; nays, 26.

Ayes—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Bowen, Bowden, Brooks, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Fielder, Flake, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lesueur, Lloyd, Martin, McWurry, Meadows, Musgrove, Overall, Parsons, Scott, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Taylor, Thomas, Thornton, Walden of Coosa, Walker, Warren, Whitfield, Wright.

Nays—Messrs. Speaker, Adams, Bradley, Brown of Marion, Carlyle, Clitherall, Easley, Hearin of Clarke, Herman, Hubbard, Jack, Knox, Lowe, Mabry, Neal, Oats, Ramsey, Rice, Saffold, Seay, Sherrod, Slater, Stark, Tate of Macon, Tait of Wilcox, White.

Mr. Ramsey desired to know, after the hour designated in the resolution to bring on the Senatorial election had passed, if the resolution was still before the House for consideration.

The chair decided the resolution to be still before the House, from which decision Mr. Ramsey appealed; the question being, shall the decision of the chair stand as the judgment of the House?

Yeas, 65; nays, 17.

Ayes—Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowdon, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlyle, Chambers, Clapp, Clif-

ton, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Jack, Knox, Lane, Latham, Lloyd, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Rice, Saffold, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, Wright.

Nays—Messrs. Clayton, Clitherall, Griffin of Marshall, Hubbard, Irby, Mabry, Overall, Ramsey, Scott, Sherrod, Slater, Starke, Tait of Wilcox, Taylor, Walker, White, Whitfield.

The House sustained the chair.

Mr. Rice moved to reconsider the vote just taken, and desired to give reasons why the vote should be reconsidered.

Mr. Speaker decided that it was not then in order to debate the motion, from which decision Mr. Rice appealed.

Yeas, 64; nays, 25.

The chair was sustained.

Ayes.—Messrs. Abney, Aldridge, Barlow, Bibb, Bowen, Bowdon, Brooks, Brown of Marion, Burgess, Bush, Calhoun, Carlyle, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davis, Easley, Ferrell, Fielder, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lane, Latham, Lesueur, Lloyd, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Wright.

Nays—Messrs. Adams, Bell, Bradley, Carter, Clayton, Davidson, Goldsmith, Hale, Hubbard, Huckabee, Hudgins, Lowe, Mabry, Overall, Ramsey, Rice, Saffold, Scott, Sherrod, Starke, Tait of Wilcox, Taylor, Walker, Whitfield.

Mr. Rice then withdrew his motion to reconsider.

Mr. Chambers moved to reconsider the vote by which the House sustained the decision that the Senate resolution was still before the House.

Mr. Smith of Lauderdale moved to lay that motion on the table.

Lost.

Yeas, 36; nays, 47.

Yeas—Messrs. Barlow, Bowen, Bradley, Bryan, Calhoun, Carter, Chambers, Clayton, Clitherall, Cooper, Fountain, Griffin

of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hubbard, Huckabee, Lowe, Mabry, Overall, Ramsey, Rice, Saffold, Scott, Sherrod, Slater, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walker, Warren, White, Whitfield, Wright.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Bowdon, Brooks, Burgess, Bush, Carlyle, Clapp, Clifton, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Forney, Gibson, Gilchrist, Goldsmith, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Seale, Smith of Coosa, Smith of Lauderdale, Thornton, Walden of Coosa, Walden of Morgan.

The House then refused to re-consider.

Mr. Starke moved to suspend all business before the House, to allow him to introduce a resolution.

Mr. Ramsey moved to adjourn until 10 o'clock to-morrow.

Lost.

Yeas, 17; nays, 70.

Yeas—Messrs. Speaker, Bradley, Brown of Marion, Davidson, Hale, Hobbs, Huckabee, Irby, Jack, Mabry, Martin, Oats, Overall, Ramsey, Slater, Walden of Moagan, White.

Nays—Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowdon, Brooks, Bryan, Burgess, Bush, Calhoun, Carlyle, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jones, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, McMurry, Meadows, Musgrove, Neal, Parsons, Scott, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walker, Warren, Whitfield, Wright.

Mr. Walker offered the following rule:

*Resolved*, That the second rule of this House shall be so altered as to read as follows, viz.: He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; but any member making a point of order, shall have the right to state his reasons therefor. The Speaker shall decide questions of order, subject to an appeal to the House at the request of any two members, which appeal shall be decided without debate.

Lays over one day, under a rule of the House. The ques-

tion being on the indefinite postponement of the Senate resolution.

The House refused to postpone.

Mr. Starke moved to lay the Senate resolution on the table.

Mr. Ramsey moved to adjourn until 10 o'clock to-morrow.

Lost.

Yeas, 17; nays, 66.

Ayes—Messrs. Adams, Bowen, Bradley, Cunningham, Herman, Hobbs, Hubbard, Huckabee, Jones, Mabry, Overall, Ramsey, Rice, Scott, Slater, Tait of Wilcox, White.

Nays—Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowdon, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, McMurry, Meadows, Musgrove, Neal, Parsons, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thornton, Walden of Coosa, Warren, Whitfield, Wright.

The question was then on laying the Senate resolution on the table.

Yeas, 44; nays, 36.

Motion prevailed.

Ayes—Messrs. Speaker, Adams, Bowen, Bradley, Brown of Marion, Bryan, Calhoun, Carlisle, Chambers, Clayton, Clitherall, Cunningham, Davidson, Easley, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Irby, Knox, Latham, Lowe, Mabry, Neal, Parsons, Ramsey, Rice, Saffold, Scott, Sherrod, Smith of Lauderdale, Starke, Thomas, Walden of Morgan, Walker, Warren, White, Whitfield.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Bowdon, Brooks, Burgess, Bush, Clapp, Clifton, Cooper, Cowan, Dark, Davis, Ferrell, Forney, Gibson, Hardwick, Herren of Tallapoosa, Hobbs, Huckabee, Humphries, Lane, Lesueur, Lloyd, McMurry, Meadows, Musgrove, Overall, Seale, Shepard, Smith of Coosa, Taylor, Thornton, Walden of Coosa, Wright.

Mr. Bowen moved to adjourn.

Yeas, 27; nays, 55.

Lost.

Ayes—Messrs. Speaker, Abney, Adams, Bibb, Bowen, Bradley, Chambers, Davidson, Gibson, Griffin of Dale, Griffin of

Jackson, Hale, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Neal, Overall, Ramsey, Rice, Tate of Macon, Walden of Morgan, Walker, White.

Nays—Messrs. Aldridge, Bell, Bowdon, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davis, Easley, Ferrell, Forney, Fountain, Goldsmith, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Humphries, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, McMurry, Meadows, Musgrove, Parsons Scott, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Thomas, Thornton, Walden of Coosa, Warren, Whitfield.

The question being on Mr. Starke's motion to suspend the business before the House, to allow him to introduce the following resolution :

*Resolved*, That the two Houses meet in joint convention in the hall of the House of Representatives on Saturday next at 12 o'clock, for the purpose of electing a United States Senator, to succeed the Hon. Benj. Fitzpatrick, whose term of office expires on the 4th of March, 1861.

Motion prevailed, and Mr. Starke offered the resolution.

Mr. Clitherall moved to amend: "And also a Senator to succeed the Hon. C. C. Clay, whose term of office expires on the 4th March, 1865."

Mr. Smith of Lauderdale, moved to lay the amendment on the table.

Mr. Clitherall moved to amend: "and resolution."

A division of the question was called for.

Question 1st, was on laying amendment on the table.

Carried.

Question then was on laying resolution on the table.

Yeas, 28 ; nays, 54.

Lost.

Ayes—Messrs: Speaker, Adams, Aldridge, Bradley, Brown of Marion, Clitherall, Davidson, Easley, Forney, Gibson, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Hudgins, Irby, Lesueur, Lowe, Mabry, Neal, Ramsey, Sherrod Walden of Morgan, Walker, White, Whitfield.

Nays—Messrs. Abney, Bell, Bibb, Bowen, Bowdon, Brooks, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Chambers, Clapp, Clayton, Clifton, Cooper, Cowan, Cunningham, Dark, Davis, Ferrell, Fountain, Gilchrist, Goldsmith, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Holley of

Tallapoosa, Humphries, Knox, Lane, Latham, Lloyd, McMurry, Meadows, Musgrove, Overall, Parsons, Rice, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Thomas, Thornton, Walden of Coosa, Warren, Wright.

Mr. Lowe moved to adjourn until 10 o'clock to-morrow morning.

Lost.

Yeas, 31; nays, 50.

Mr. Clitherall moved to reconsider the vote by which the House refused to adjourn.

The chair decided the motion to be out of order, from which decision Mr. Clitherall appealed.

The House sustained the chair.

Yeas, 68; nays, 0.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bowdon, Bradley, Brooks, Brown of Marion, Burgess, Bush, Calhoun, Carlyle, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davis, Easley, Ferrell, Forney, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Humphries, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, McMurry, Meadows, Neal, Parsons, Ramsey, Scott, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Thomas, Thornton, Walden of Coosa, Walker, Warren, White, Whitfield, Wright.

Mr. Brown of Marion moved a call of the House.

Lost.

Mr. Hubbard moved to postpone indefinitely the resolution.

Mr. Parsons moved to adjourn until  $\frac{1}{2}$  past 4 P. M.

Mr. Clitherall, to adjourn until 10 o'clock to-morrow morning.

Carried.

THURSDAY, December 1, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Clitherall asked leave of absence for Mr. Jones.

Granted.

Mr. Clitherall, from joint committee of arrangement for the inauguration of the Governor elect, in addition to the report heretofore made, instructs us to report that the two Houses, on the approach of the procession, will repair to the front of the Capitol and escort the Governor to the Representative hall, where the inauguration will take place.

Leave of absence was then granted to the joint committee, to make arrangements for the inauguration of the Governor.



On motion of Mr. Clitherall, the further consideration of the House resolution to bring on the election of United States Senator, was postponed until after the inauguration of the Governor.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Fielder: for the relief of Thos. Killough ;

Mr. Huckabee: to amend the law relative to the unlawful detainer of lands.

Mr. Shepard: to incorporate the Canebrake Rifle Guards ;

Mr. Neal: to authorize justices of the peace to appoint apportioners of roads in Pickens county ;

Mr. Walden of Coosa: to authorize W. Y. Hatchett and Jared Bates to establish a ferry across the Tallapoosa river, in Montgomery county ;

Which bills were read and ordered to a second reading.

Mr. Huckabee offered the following resolution :

*Resolved*, That the ladies be invited to take seats within the hall of the House during the inauguration of the Governor.

Adopted.

Mr. Bowen:

*Resolved*, (the Senate concurring) That the two Houses will meet in joint convention at 12 o'clock on Thursday next, the 8th day of December, for the purpose of electing a Secretary of State, to fill the vacancy occasioned by the expiration of the term of office of Hon. J. H. Weaver.

Adopted.

On motion of Mr. Starke, the House took an informal recess, preparatory to the inauguration of the Governor, until the procession should arrive to escort the Governor elect.

The hour having arrived for the inauguration, the Senate, by invitation, appeared in the hall of the House, and the two Houses proceeded to meet the Governor elect at the front door of the Capitol, and escorted the Hon. A. B. Moore to the Speaker's desk in the hall of the House.

Prayer by the Rev. Dr. Petrie.

When the Governor elect delivered his inaugural address; took the oath of office, as prescribed by law.

The Governor then withdrew. The Senate repaired to its chamber.

On motion of Mr. Smith, of Lauderdale, the roll was called, and the following gentlemen answered to their names:

Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bowen, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Calhoun,

Carlysle, Carter, Chambers, Clapp, Clifton, Coleman, Cooper, Cunningham, Dark, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Saffold, Scott, Seale, Shepard, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright.

The House resumed the consideration of the resolution to bring on the Senatorial election; question being on the motion of Mr. Starke to lay the motion of Mr. Hubbard to postpone indefinitely, on the table.

Mr. Starke withdrew his motion.

Mr. Hubbard then withdrew his motion to indefinitely postpone the resolution.

Mr. Rice moved to amend, by striking out "Saturday," and insert "Wednesday."

Lost.

Mr. Chambers moved to strike out Saturday and insert Tuesday.

Carried.

The question then was on the adoption of the resolution.

Yeas, 54; nays, 36.

Adopted.

Ayes—Messrs. Bell, Bowen, Bowdon, Brooks, Bryan, Burgess, Bush, Calhoun, Carlysle, Carter, Chambers, Clapp, Clayton, Clifton, Cooper, Cowan, Cunningham, Dark, Davis, Ferrell, Fielder, Forney, Gilchrist, Goldsmith, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Jones, Lane, Latham, Lesueur, Lloyd, McMurry, Meadows, Musgrove, Overall, Parsons, Ramsey, Saffold, Scott, Seay, Seale, Smith of Lauderdale, Starke, Taylor, Thomas, Thornton, Walden of Coosa, Warren, Wright.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bradley, Brown of Marion, Clitherall, Easley, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Neal, Oats, Rice, Shepard, Sherrod, Slater, Smith of Coosa, Walden of Morgan, Walker, White, Whitfield.

Leave of absence was granted Messrs. Calhoun, Gilchrist and Irby.

Mr. Cooper moved to reconsider the vote by which the resolution of Mr. Starke had just been adopted.

Mr. Walker moved to lay the motion to reconsider on the table.

Carried.

Mr. Walker called up the rule offered on yesterday, (Mr. Irby in the chair.)

On motion of Mr. Speaker, the rule was referred to Committee on Rules.

Carried.

Mr. Clitherall moved to take up and consider bills on the second reading.

Lost.

Mr. Overall offered the following resolution :

*Resolved*, That ten thousand copies of the Governor's Inaugural Address be printed for the use of the House.

Adopted.

Protest of Mr. Hubbard against bringing on the election of U. S. Senator.

First, there is no political necessity for anticipating the election of Senator for nearly two years.

Second, nothing less than a necessity would justify even an honest mistake on our part.

Third, the probability is, that if an election be now made, the result may show that a mistake was made.

Fourth, the whole South is in a transition state. New issues are now just emerging from the womb of events, and no main presciner can divine the political status two years hence.

Fifth, if the man now elected should happen to misrepresent the state, how fearful will be the accountability of those who bring such calamity on the country.

Sixth, shall the political necessities of the country be put to hazard, not for the sake of any principle, but simply to gratify the personal wishes of any man, however strong those wishes may be?

On motion of Mr. Gilchrist, the House adjourned.

FRIDAY, Dec. 2, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Hardwick moved to suspend the business before the House to introduce a resolution.

Carried.

*Resolved*, That from and after Monday next, this House will

meet at 9 o'clock A. M. and adjourn at 1 P. M.; meet at 3 o'clock P. M., and adjourn at 5 P. M.

Lies over one day, under the rule.

Leave of absence was granted to Messrs. Abney, Barlow, Meadows and Goldsmith.

Mr. Warren moved to suspend the business before the House to take from the orders the Senate bill to incorporate the Clintonville Academy, in Coffee county.

Mr. Parsons moved to consider the Senate messages and the general orders.

Carried.

Mr. Lowe, by leave, introduced the bill to authorize the administratrix of Wm. Robinson, also the administratrix of Robert Coles, to keep together the estates of their respective decedents, and for other purposes, which was read, and constitutional rule suspended, and read the second time, and referred to Committee on the Judiciary.

Senate bills:

For the relief of W. J. Kennedy;

To amend the charter of the town of Demopolis, and confer additional powers on corporate authorities of said town;

To more effectually prevent burglary, and enticing slaves away to non-slaveholding States;

To amend the charter of the North Alabama Telegraph Company;

To authorize the city council of Eufaula to indemnify subscribers to certain stock in the South-western Railroad of the State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city;

Which bills were read, and ordered to a second reading.

#### ENGROSSED BILLS.

To divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named.

To authorize an additional term of the Chancery Court in the county of Jackson.

To incorporate the Columbus and Fayetteville Railroad Company.

To amend section 3608 of the Code.

To authorize the Court of county Commissioners of Marshall county to levy a special tax for relief of certain persons therein named.

To consolidate the offices of tax collector and assessor in the county of Marion.

To authorize John A. Lodor, of Dallas county, to pay over certain money in his hands, as administrator, belonging to unknown heirs or to the State.

To amend proceedings in Chancery ;

Authorizing the Probate court of Mobile county to grant licenses for amusements, shows and exhibitions in said county ;

To authorize the commissioners of revenue of Mobile county to make certain additions to, and improvements in the jail of said county ;

To repeal the law establishing commissioners in the county of Walker.

To regulate the fees of constables in the beat and town of Cahaba in Dallas county ;

To incorporate the Mount Hebron Male and Female Academy, in Greene county ;

To incorporate the Six Mile Male and Female Academy, in Bibb county ;

Authorizing the appointment of a general administrator and general guardian of Mobile county, and for other purposes ;

To incorporate the Eastern Shore and Mobile Steamboat company ;

To amend the charter of the Lafayette Branch Railroad company, and to change the name of said company ;

To incorporate the Mobile and Ohio Telegraph company ;

To incorporate the Mobile Wine company ;

To establish a medical board in the county of Coffee ;

To incorporate the Lineville male and female academy, in Talladega county ;

To cede to the United States title and jurisdiction over a certain Island in the Gulf of Mexico, on the coast of Alabama, known as Tower Island, and for other purposes ;

Amendatory of an act to incorporate the town of Troy, approved 4th February, 1843 ;

To compensate E. C. Greene ;

For the relief of Jno. P. Gates, tax collector of Pickens county ;

To make the official bond of tax collector operate as a lien on his property for the county revenue ;

To incorporate the South-Western Railroad company ;

Which bills were read three times and passed.

The engrossed bill :

To authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery : was read the third time. When Mr. Clitherall moved to amend by way of engrossed reyder, as follows :

*Provided*, The securities of the said executors first file their assent, in writing, to the removal of said administration in the offices of the Judges of Probate of each of said counties. The engrossed reyder was then read, the constitutional rule suspended; read second and third time and adopted. The bill was then passed.

The Senate bill :

To amend an act entitled an act, to repeal an act therein named, regulating the sessions of the Circuit and city courts of Mobile county, approved 5th of February, 1858: was read the third time and passed.

The engrossed House bill:

To amend section 1140 of the Code, was read the third time and on motion of Mr. Ramsey, was laid on the table.

SENATE, 1st Dec., 1859.

Mr. Speaker: The Senate has originated and passed bills of the following titles :

Relating to incorporate companies ;

Also passed house bills :

To repeal in part an act therein named, and for other purposes ;

To divorce Nancy Mitchell from her husband, G. W. Mitchell.

MICAH TAUL, Secretary.

The Senate bill relating to incorporated companies was read, and ordered to a second reading.

Senate bill: To enable the administrator on the estate of Wm. Johnston, deceased, to remove the administration to Talapoosa, was read the second time, and referred to committee on Local Legislation.

House proceeded to consider bills on the second reading :

The bill to authorize Judges of Probate of different counties of the State to issue attachments in certain cases, was read the second time. Mr. Hubbard moved to amend as follows :

*Be it further enacted*, That the section of the Code of Alabama, relating to attachments before Justices of the Peace, and included in part 3rd, title 3rd, and article 3rd of the Code of Alabama, be so amended as to read thus : That when judgement has been obtained before a Justice of the Peace, upon affidavit, the plaintiff may sue out process of garnishment, to be executed by any sheriff, or constable of the State of Alabama, upon any person in any county in the State of Alabama, and returnable before the Justice issuing the same, and to be governed according to the rules in force, regulating garnishment cases ;

and further amended as to allow parties garnisheed, living out of the county from whence said process issued, to make their affidavits as to indebtedness or otherwise, upon the Judge of Probate of the county in which they are served with said process, which shall be duly certified by said Judge, and the same shall be taxed up in the bill of cost, and the same now allowed by law, be allowed and taxed in said cause; and that in all cases under said act, when any party interested, desires to contest the answer of said garnishee, he shall file his objections to the same at the return time of the process, of which said garnishee shall have twenty days notice, to be issued by said Justice, and executed and returned by any constable or sheriff of the State, within ten days thereafter, and then the cause shall proceed as in other proceedings by garnishment.

For the relief of Isaac Franks and Tyresa Franks, of Marion county;

To amend section 3022 of the Code;

To give notice to defendants in attachment cases;

For the relief of Geo. W. Nettles of Monroe county;

In relation to lien of execution to supercede the issuances of execution from justice courts, after having once been issued and for other purposes;

To provide for the removal of free negroes from the State of Alabama.

To authorize the probate court to lease lands in certain cases, were severally read the second time and referred to the judiciary committee.

The bill to incorporate the Central Insurance company of Alabama at Montgomery was read the second time.

Mr. Clitherall moved to amend as follows:

*Provided*, That the General Assembly may at any time hereafter, alter, modify, or repeal this charter; *And provided further*, that nothing contained in this act shall be construed as conferring upon said company banking powers or privileges; *And provided further*, that no bank note or bill issued or made by any bank created or established by the authority of any of our sister States or of any foreign county shall be paid out under any circumstances by the company, created by this act, or by any of its officers or agents under the penalty of forfeiture of the charter by this act created.

Mr. Walden, of Coosa; moved to lay the amendment on the table.

Lost.

Yeas, 28; Nays, 53.

Yeas—Messrs. Bell, Bowen, Bowden, Brown of Marion,

Bush, Carter, Clayton, Cooper, Cowan, Forney, Fountain, Hale, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Humphries, Knox, Lane, Martin, Parsons, Ramsey, Seale, Smith, of Coosa, Tate of Macon, Thornton, Walden of Coosa, Wright.—28.

Nays—Messrs. Speaker, Adams, Aldridge, Bibb, Bradley, Brooks, Bryan, Carlisle, Cary, Clapp, Clifton, Clitherall, Coleman, Cunningham, Dark, Davis, Easley, Ferrell, Flake, Gibson, Griffin of Dale, Griffin of Jackson, Griffin, of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hobbs, Huckabee, Hudgins, Jack, Latham, Lesueur, Lowe, Mabry, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Rice, Saffold, Seay, Shepard, Sherrod, Slater, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren, Whitfield.—53.

The bill was then referred on motion of Mr. Clitherall, to the committee on banks and banking.

The bill relating to incorporated companies was read the second time and referred to committee on corporations.

The bill to invest a portion of the two per cent. fund was read the second time.

Mr. Shepard moved to suspend the constitutional rule.

Mr. Whitefield to refer the bill to committee on internal improvements.

Carried.

Mr. Shepard from select joint committee to re-organize the judicial circuits of this State reported the following bill: To lay off and divide the State of Alabama into eleven judicial circuits which was read.

Mr. Lowe moved to suspend the constitutional bill rule so as to give the bill a second reading.

Carried.

The bill was read thrice and on motion of Mr. Lowe laid on the table.

The bill to enlarge the term of the circuit court of Pickens and to change the time of holding the circuit court of Sumter county was read the second time and on motion of Mr. Clitherall laid on the table.

Mr. Walker moved to suspend the special order to allow him to report a bill.

Carried.

Mr. Walker reported a bill for the benefit of the State and supreme court libraries, which was read and ordered to a second reading.

Mr. Clayton by consent offered the following resolution:



*Resolved*, That the Quarter Master General of this State be required to report to this house as follows :

1st. The number and discription of arms now in his possession.

2nd. The number and discription of arms that have been received by him since he has been in office, and to whom they have been distributed.

3rd. When will he receive an additional supply of arms, and all other information in his possession, so that the Legislature can form some idea as to when the various military companies organized and now being organized in this State, will be supplied with arms, camp equipage, &c., in accordance with their various acts of incorporation.

*Adopted*.

On motion of Mr. Hale the special order was suspended to allow him to report.

Mr. Hale from committee on corporations reported amendments to the bill to incorporate the Montgomery and Eufaula railroad comyany as follows :

Strike out the words not exceeding two dollars in the 27th line of 9th section.

2nd. Strike all out after the " words in all cases " in the 13th line of the 11th section down to and including the words " for that purpose " in the 23rd line of same section.

3rd. Amend the 17th section by adding at the close thereof the following words : " so far as the same are consistent with its charter and the laws of the land. " *Adopted*.

Mr. Rice moved to suspend constitutional rule so as to give the bill a third reading. *Lost*.

The bill was then ordered to be engrossed.

The house proceeded to consider the special order, the 1st., being to incorporate the Merchants Bank of Alabama. The question being on the motion of Mr. Chambers to reconsider the vote by which the bill was referred to the committee on banks and banking ; reconsidered :

Mr. Walker withdrew the motion to refer to banks and banking and moved its reference to committe on internal improvements. *Carried*.

The house proceeded to the consideration of the next special order, being the bill to incorporate the Western bank of Alabama.

Mr. Hubbard withdrew the motion to indefinitely postpone the bill and amendment.

Mr. Whitefild moved to refer the bill and amendment to the committee on internal improvements. *Carried*.

Mr. Cooper moved to suspend the business before the house to allow him to make a report. Lost.

Mr. Brown of Marion, by leave introduced a bill to incorporate the Columbus and Tennessee Valley Railroad which was read.

Mr. Brown, of Marion, moved to suspend the constitutional rule so as to give the bill a second reading. Lost.

The bill was then ordered a second reading.

The bills for the preservation of game in the county of Sumter and for the relief of Thos. M. Hill and others, of Sumter county, were read the second time and referred to committee on local legislation.

The bills to incorporate the Southern Rifle Company of the county of Macon;

To incorporate the Andrew Jackson Guards at Dadeville, Tallapoosa county, were severally read the second time, and referred to committee on the military.

The bill regulating Grand and Petit jurors for the county of Walker was read the second time and referred to committee on retrenchment.

The bill for the relief of Cheny Keys was read the second time and ordered to be engrossed.

The bill to change the tax on slaves sold by dealers and brokers was read the second time and Mr. Clitherall moved to amend as follows: after words auctioneer for the sale Merchandise; referred to committee on ways and means.

When on motion of Mr. Overall the house adjourned until 10 o'clock to-morrow.

SATURDAY, Dec. 5, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the house a record of divorce which was referred to committee on divorce and alimony: Also laid before the house, the report of Henry B. Holcombe, Attorney for Branch Bank Mobile, which on motion of Mr. Clitherall was referred to joint committee to examine audit and state the accounts and vouchers of Jno. Whiting Commissioner and Trustee.

Leave of absence was granted to Hearin of Tallapoosa, Bowen, Lane, and Brooks.

#### CALL OF COUNTIES.

Bills and joint resolutions were introduced by:

Mr. Lane : to regulate and define the duties of tax-payers in the county of Butler ;

Mr. Warren : to compel defaulters on road-working to render their excuses to the overseers of their respective roads, within five days from the day of work ;

Mr. Smith, of Coosa : to repeal an act therein named ;

Mr. Mabry : to amend the charter of the city of Selma ;

Also ; to enable M. M. George to remove her infant ward, A. Ellerbee English, beyond the limits of this State ;

Mr. Cowan : to repeal a certain section of the Code of Alabama therein named ;

Mr. Tate, of Macon : to repeal sections 1 and 2 of an act approved Feb. 1st, 1858, in reference to the pay of tales jurors in Macon county ;

Also, to incorporate the Auburn Guards of Macon county, Alabama ;

Mr. Bryan : to require every voter to cast his vote in the general elections in this State, within his own beat, or at the place nearest his own residence ;

Mr. Overall : for the relief of Wm. Aldridge, Joseph Morris, Wm. Kramer and Susan McNally ;

Also to amend section 2175 of the Code of Alabama ;

Mr. Rice : for the relief of John Irwin ;

Mr. Ramsey : to secure more efficiency in the working of roads in Sumter county ;

Mr. Parsons : to enable Ned Adkins, a free man of color, to become a slave ;

Mr. Easley : to repeal an act therein named ; which bills were read and ordered to a second reading ;

Mr. Huckabee : to regulate the duties of the probate clerk in Greene county, which was read.

Mr. Huckabee moved to suspend the constitutional rule so as give the bill a second reading.

Lost.

And the bill was ordered to a second reading ;

Mr. Saffold : to repeal an act therein named ; which was read. The constitutional rule being suspended, was read the second time and referred to Committee on the Judiciary ;

Mr. Shepard : to allow Thos. Kelly to inherit the estate of Jno. Kelly, deceased, was read. The constitutional rule suspended, read twice and referred to Committee on the Judiciary.

Mr. Saffold presented the account of J. F. Smith ; which was referred to Committee on Accounts ;

Mr. Cary presented the petition of Greene Brown, of the

county of Conecuh; which was referred to Committee on Accounts.

Mr. Hardwick moved to call his resolution to hold two sessions per day.

Lost.

Senate, 3rd December, 1859.

Mr. Speaker: The Senate has passed a House bill of the following title:

To give the probate judge of Pike county, jurisdiction of the estate of James E. Crosswell, deceased.

The Senate has originated and passed joint resolutions for the purchase and distribution of Smiths' Alabama justice.

Also, to authorize Robert Dougherty, trustee, to sell a portion of the trust estate and invest the funds of such sale.

Also, House bill to amend the charter of the town of Cahaba.

MICH TAUL,  
Secretary of Senate.

#### REPORTS FROM JUDICIARY COMMITTEE.

Mr. Clitherall reported an amendment to the bill to regulate the trial of assaults and batteries and affrays, as follows:

Strike out the word *prosecutor*, in the fifth line and insert after the word "beaten" in the 6th line, the words, *at or near the time of such assault or affray*.

Adopted, and bill ordered to be engrossed.

Mr. Clitherall reported adversely to the bill to enable the creditors of Phillip Barton, deceased, to prove their claims.

The hour of 12 o'clock arrived, when on motion of Mr. Smith of Lauderdale, the general orders were suspended to proceed with reports from standing committees.

House refused to concur in the report.

The bill was ordered to be engrossed.

Yeas 44, nays 30.

Yeas—Messrs. Aldridge, Bell, Bibb, Bowden, Brooks, Brown of Marion, Bryan, Burgess, Bush, Carter, Clapp, Clifton, Coleman, Cowan, Dark, Davis, Ferrell, Fielder, Gibson, Griffin of Jackson, Griffin of Marshall, Hardwick, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Jones, Knox, Latham, Lesueur, Mabry, Musgrove, Neal, Overall, Parsons, Saffold, Seay, Seale, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Walden of Coosa, Walden of Morgan.—44.

Nays—Messrs. Bradley, Carlisle, Clayton, Clitherall, Cooper, Cunningham, Davidson, Easley, Flake, Forney, Fountain,

Griffin of Dale, Hale, Herman, Hobbs, Jack, Lane, Lloyd, Lowe, Martin, McMurry, Rice, Scott, Thomas, Thornton, Walker, Warren, White, Whitfield, Wright.—30.

Mr. Rice reported favorably to the bill for the relief of the creditors and distributees of Greene W. Cole, deceased; which was ordered to be engrossed.

Mr. Walker reported substitute for the joint resolutions for the purchase and distribution of Smith's Alabama justice.

Mr. Smith of Lauderdale, moved to lay the substitute and bill on the table.

Carried.

When on motion of Mr. Smith of Lauderdale, the House took from the orders of the day, the Senate joint resolutions on the same subject; which were read; constitutional rule suspended; read the second and third times and passed.

Yeas 64, nays 14.

Yeas—Messrs. Speaker, Aldridge, Bell, Bibb, Bowden, Bradley, Brown of Marion, Bryan, Bush, Carlisle, Carter, Cary, Clapp, Clayton, Clitherall, Coleman, Cooper, Davidson, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Huckabee, Hudgins, Jack, Lesueur, Lowe, Mabry, McMurry, Musgrove, Neal, Oats, Ramsey, Rice, Saffold, Seay, Seale, Shepard, Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Warren, White, Whitfield, Wright.—64.

Nays—Messrs. Burgess, Clifton, Cowan, Dark, Griffin of Jackson, Hardwick, Holley of Tallapoosa, Latham, Lloyd, Martin, Overall, Smith of Coosa, Tait of Wilcox, Walden of Coosa.—14.

Mr. Walker reported favorably on the bill to amend section 1473 of the Code of Alabama.

Ordered to be engrossed.

Mr. Walker reported that the committee had heretofore reported favorably on a bill of a similar character, to amend section 1276 of the code and asked to be discharged. Concurred in.

Mr. Walker reported adversely to the bill regulating the pay of witnesses in State cases. Under consideration when,

On motion of Mr. Holley of Tallapoosa, the House adjourned until 10 o'clock on Monday morning.

MONDAY, 5th December, 1859.

House met pursuant to adjournment.

Journal read and approved.

Leave of absence was granted to Mr. McMurry.

Mr. Speaker (Mr. Clitherall in the chair,) laid before the House a record of divorce; which was referred to committee on divorce and alimony; also laid before the House the proceedings of a public meeting of the citizens of Butler county, in regard to public lands.

On motion of Mr. Adams it was referred to committee on Federal Relations.

Mr. Knox, from Committee on Enrolled Bills, reported the bill give the judge of probate court of Pike county, jurisdiction of the estate of James S. Crosswell, deceased, as correctly enrolled.

Mr. Ramsey obtained leave of the House to withdraw certain papers.

On motion of Mr. Hobbs, the call of the counties was suspended to allow him to introduce a resolution :

*Resolved*, That the Committee on Military Affairs be instructed to inquire into the best method of ascertaining the full strength of the militia of the State, with leave to report by bill or otherwise.

Adopted.

Bills and joint resolutions were introduced by :

Mr. Adams: to repeal a certain act therein named ;

Also to amend an act therein named ;

Mr. Wright: to regulate the law retailing vinous, spirituous liquors ;

Mr. Hale: to repeal an act therein named ;

Mr. Brown of Marion: to amend section 3133 of Code ;

Mr. Walker: to enable the corporate authorities of the city of Mobile to grant the privilege of constructing railroads within the corporate limits of said city ;

Also to renew and amend the charter of the Merchants Insurance company of the city of Mobile ;

Mr. Rice: to authorize the trustees of township 16, range 16 in Montgomery county to collect notes due said township ;

Also to incorporate the Montgomery law school and to make it the law department of the university of the State ;

Mr. Shepard: to incorporate the Union insurance company ; which bills were read and ordered to a second reading.

Mr. Griffin of Marshall, presented the petition of L. D. Susk, and others, which was referred to the Judiciary Committee ;

Mr. Overall presented the memorial of Garland Goode, and and others in opposition to the bill ; making an inspector of sawed lumber, and so forth ; which was ordered to go with the bill.

## REPORTS FROM THE JUDICIARY COMMITTEE.

The House resumed the consideration of the bill regulating the pay of witnesses in State cases. Question being upon concurring in the adverse report. Concurred in.

Yeas 38, nays 33.

Yeas—Messrs. Speaker, Adams, Bell, Bibb, Bowden, Bradley, Bryan, Burgess, Bush, Carlisle, Carter, Cary, Clayton, Clitherall, Dark, Ferrell, Forney, Forsyth, Fountain, Hale, Hearin of Clarke, Hightower, Hobbs, Hudgins, Knox, Lesueur, Martin, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seale, Shepard, Tate of Macon, Walker, Whitfield.—38.

Nays—Messrs. Aldridge, Brooks, Brown of Marion, Clapp, Clifton, Coleman, Cowan, Davis, Easley, Fielder, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Holley of Covington, Humphries, Jack, Latham, Mabry, Musgrove, Seay, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, White, Wright.—33.

Mr. Smith of Lauderdale, moved to suspend the reports from the judiciary committee to allow him to make a report from the committee on ways and means.

Carried.

Mr. Smith of Lauderdale, reported a substitute for the bill to extend the time for payment of the balance of debt due from the Mobile and Ohio railroad company; which,

On motion of Mr. Cooper, was postponed until the 8th inst., at 11 o'clock, and made the special order for that hour.

Mr. Walker, from the judiciary, reported adversely to the bill to amend sections 660 and 684 of the Code of Alabama; which,

On motion of Mr. Walker, was laid on the table; also reported adversely to the bill in regard to negro mechanics; which was concurred in; also adversely to the bill regulating the sale of real estate levied on by constables. Concurred in.

Yeas 61, nays 9.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell, Bowden, Bradley, Brooks, Bryan, Bush, Carlisle, Carter, Cary, Clapp, Clayton, Clitherall, Cooper, Dark, Davidson, Davis, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Jack, Knox, Latham, Lesueur, Mabry, Martin, Musgrove, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Seale, Shepard, Sherrod,

Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Morgan, Walker, White, Whitfield Wright.—61.

Nays—Messrs. Brown of Marion, Clifton, Cowan, Easley, Griffin of Jackson, Hardwick, Holley of Covington, Thornton, Walden of Coosa.—9.

Mr. Walker, from the same committee reported adversely to the first amendment, and favorably to the second, to the bill to amend the law in relation to the emancipation of slaves.

On motion of Mr. Rice, the bill, report and amendments were postponed until Wednesday, the 7th instant, at 12 o'clock, and made a special order for that hour.

Mr. Walker reported favorably to the bill for the relief of Hubert C. Childress.

Mr. Clitherall moved to amend as follows: after the name of Hubert C. Childress, add the names of Ben Lane Posey, J. J. Hooper and Wm. Walker. Adopted, and

On motion of Mr. Hale, the bill was postponed until 12 o'clock to-morrow, and made a special order for that hour.

Mr. Scott, from committee on enrolled bills reported the following as correctly enrolled:

To incorporate the Limestone county stock agricultural and mechanical association;

To divorce Nancy Mitchell from G. W. Mitchell;

To repeal in part an act therein named, and for other purposes.

Mr. Cooper, from the judiciary reported favorably to the bill to protect growing crops from levy and sale. Mr. Clitherall moved to amend, "or ungathered," after growing.

Adopted, and bill ordered to be engrossed.

Mr. Hale reported substitute to the bill to regulate the pay of witnesses in criminal cases.

Mr. Holley of Covington, moved to amend as follows:

SEC. 4. *Be it enacted*, That when the State shall fail to convict, that two of defendants witnesses shall be paid by the county in the same manner that State witnesses are.

Adopted.

The substitute was then adopted and ordered to be engrossed.

Mr. Parsons, from the committee on the judiciary, to whom was referred the resolution instructing the committee to enquire whether under existing laws the same property is exempt from the claims of heirs and distributees, or legatees, in favor of the widow, that is exempt in her favor or against the creditors of her deceased husband under section 1738 of the Code, reported a bill thereto to enlarge the provision of section 1738 of the Code, which was read.



Mr. Clitherall moved to suspend the constitutional rule so as to give the bill a second reading.

Lost.

The bill was then ordered to a second reading.

Mr. Parsons reported adversely to the bill: to repeal the usuary laws, which, on motion of Mr. Clayton, was postponed until Thursday at 12 o'clock; and made the special order for that hour.

Mr. Davis moved to suspend the business of the House, to allow him to offer a resolution, which was carried:

*Resolved.* That (with the concurrence of the Senate) the General Assembly will adjourn on the 17th instant, at 12 M., and meet again on the 9th of January next, at 10 A. M.

Mr. Walden, of Coosa, moved to amend as follows:

*Provided* no mileage or per diem shall be charged or allowed during said recess.

Mr. Clitherall moved to amend the amendment as follows:

*Provided* that the last provision shall only be held to apply to the representative from Coosa, who moved the same.

Mr Smith of Lauderdale, moved the previous question, and the motion prevailed. The question then was on the adoption of the resolution.

Yeas 53; nays 26.

Yeas—Messrs. Speaker, Bell, Bibb, Bowen, Bowdon, Brooks, Bryan, Carter, Cary, Clapp, Clayton, Coleman, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Knox, Lesuer, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Seale, Shepard, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Whitfield.

Nays—Aldridge, Bradley, Brown of Marion, Burgess, Bush, Carlisle, Clifton, Clitherall, Cooper, Cowan, Dark, Gibson, Griffin of Jackson, Hardwick, Humphries, Jack, Latham, Lowe, Martin, Musgrove, Parsons, Scott, Smith of Coosa, Thornton, Walden of Coosa, Wright.

The resolution was adopted.

Mr. Walker moved to reconsider the vote just taken, and to lay that motion on the table.

Carried.

Senate, 5th December, 1859.

Mr. Speaker: The Senate has originated and passed bills of the following titles:

To lay off and divide the State of Alabama into eleven judicial circuits.

To amend the charter of the Selma and Gulf Railroad company ;

To incorporate the town of Montevalo ;

To incorporate the Columbiana Insurance company ;

To incorporate the Opelika and Talladega Railroad company ;

To incorporate the Demopolis Marine and Fire Insurance company.

The Senate has amended and concurred in the resolution of the House, proposing to elect a Secretary of State on Thursday the 8th of December, to succeed the Hon. Jas. H. Weaver.

The Senate refuses to concur in the resolution of the House proposing to elect a United States Senator, on Tuesday next, the 6th inst.

MICAH TAUL, Secretary.

Mr. Speaker : His Excellency, the Governor, has approved bills which originated in the House of Representatives entitled :

An act to repeal in part an act therein named, and for other purposes ;

An act to incorporate the Limestone county Stock, Agricultural and Mechanical Association ;

An act to give the Probate Judge of Pike jurisdiction of the estate of James S. Crosswell, deceased ;

An act to divorce Nancy Mitchell from G. W. Mitchell.

WATKINS PHELAN, Private Secretary.

When, on motion of Mr. Walker, the House adjourned until 10 o'clock to-morrow morning.

TUESDAY, 6th December, 1859.

House met pursuant to adjournment.

Journal read and approved.

Speaker laid before the House a record of divorce, which was referred to committee on divorce and alimony.

Speaker also laid before the House the report of John Whiting, commissioner and trustee, which was referred to committee to audit, credit and state the accounts and vouchers of Mr. Whiting.

Also laid before the House the report of the school commissioners of Mobile county.

Leave of absence was granted to Hr. Lesueur.

Mr. Bryan, by consent, offered the followin resolution :

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of making the following change

in relation to the law of evidence, in some degree to meet the insidious designs of the abolitionists who are now prowling about our State, viz: That any white man who shall be suspected of encouraging or promoting sedition among our negroes, shall be liable to be convicted upon negro evidence; provided that such evidence shall be corroborated by circumstances, and is not in direct opposition to the testimony of white persons whom the jury may deem credible, and that they report by bill or otherwise. Adopted.

Mr. Oats, by consent, offered the following resolution:

*Resolved*, That this House instruct the committee on ways and means to enquire into the expediency of equalizing taxation upon lands and negro property, and report the same by bill or otherwise.

Mr. Coleman moved to amend as follows: "upon money loaned at usury."

Amendment adopted: resolution adopted.

Bills and joint resolutions were introduced by:

Mr. Davidson: to extend the provisions of the Code as regards road-working to the county of Bibb;

Mr. Gibson: to enable free negroes to become slaves;

Mr. Carlisle: to repeal in part an act therein named;

Mr. Thornton: to define and establish the line between the counties of Cherokee and DeKalb;

Mr. Sherrod: for the relief of the owners of fish traps on the Tennessee river;

Mr. Musgrove: to incorporate the town of Pikeville, in the county of Marion;

Mr. Walker: To regulate the taking of affidavits in aid of judicial proceedings;

Mr. Speaker: to amend 397 of the Code;

Mr. Starke: to incorporate the town of Perote, in Pike county;

Mr. Ramsey: to incorporate the Warsaw Rifles;

Mr. Carter: to amend section 2318 of the Code;

Mr. Easley: to incorporate the male and female academy in county of Walker;

Mr. Tait, of Wilcox: to repeal an act therein named;

Mr. Lloyd: joint resolution to amend the constitution; were read and ordered to a second reading.

Mr. Huckabee: to amend the charter of the town of Greensboro in Green county; read; constitutional rule being suspended, was read the second and third time and passed; and ordered to the Senate.

Mr. Warren presented the petition of Wiley G. Neal and others which was referred to committee on divorce and alimony.

Mr. Forsyth presented the memorials of citizens of Mobile in favor of aid to the first volunteer Regiment of Alabama, which was referred to the committee on the military.

Mr. Mabry presented the memorial of Warehouse-men ; which was referred to committee on ways and means.

Mr. Griffin, of Jackson, from select committee, reported a substitute to the bill to ascertain the sense of the people of Jackson county, in regard to the permanent location of the county site, and to provide for building a Court House and Jail. Adopted and ordered to be engrossed.

Senate, Dec. 6, 1859.

Mr. Speaker : The Senate has originated and passed bills of the following titles :

To prevent the game of Keno ;

Joint resolutions providing for the security and protection of the State of Alabama, by arming and disciplining the citizen soldiery thereof ;

To repeal an act regulating the fees for marriage licenses in Benton county ;

For the relief of E. B. Lott, tax collector of Mobile county ;

To prevent stock from being killed by dogs ;

To incorporate and aid the Agricultural and Horticultural Society of western Alabama.

The Senate concurs in the amendment made by the house to the caption of the Senate bill to extend the terms of the City Court of Mobile.

The Senate has also passed a house bill to compel the Nashville and Chattanooga Railroad company to drain the ponds along the line of said road.

M. TAUL, Secretary Senate.

Mr. Hardwick from select committee, reported a substitute to the bill to levy a special tax to build a Jail in the county of Cherokee. Substitute adopted ;

Constitutional rule suspended ; read three times and passed.

On motion of Mr. Warren the house proceeded to consider the Senate messages.

Senate bills to prevent the game of Keno ;

To regulate the fees for marriage licenses in Benton county ;

To aid the Agricultural and Horticultural Society of western Alabama ;

To prevent stock from being killed by dogs ;

To incorporate the town of Montevallo ;

To incorporate the Demopolis Marine Fire Insurance company ;

To amend the charter of the Selma and Gulf Railroad company;

To incorporate the Columbiana Insurance company;

Were severally read and ordered to a second reading.

Senate joint resolution providing for the security and protection of said State by arming and disciplining the citizen soldiery was read and adopted. Messrs. Clayton, Irby, and Forsyth compose said committee on the part of the house.

The house concurred in the Senate amendment to the house bill to amend the charter of the town of Cahaba.

Senate bill to authorize Robert Dougherty, trustee, to sell a portion of the trust estate and to invest the funds of such sale was read; the constitutional rule suspended, read the second time and referred to the judiciary.

Senate bill to lay off and divide the State of Alabama into judicial circuits was read.

Mr. Walker moved a suspension of the constitutional rule. Carried.

The bill was read a second time.

Mr. Lowe moved to lay the bill on the table.

Mr. Irby moved to postpone the bill until 12 o'clock to-morrow and make it a special order for that hour. Carried.

Senate bill to incorporate the Opelika and Talladega Railroad company was read; the constitutional rule being suspended was read the second and third time and passed.

Senate bill for the relief of E. B. Lott, tax collector of Mobile county, was read.

On motion of Mr. Walker the constitutional rule was suspended, the bill read a second time and referred to committee on ways and means.

#### REPORTS FROM COMMITTEE ON INTERNAL IMPROVEMENTS.

Mr. Forsyth reported the following amendments to the bill for the improvement of the Bay and Harbour of Mobile:

1st. In section 4th, ninth line strike out the word *twelve* and insert the word *fifteen*.

2nd. In section 8th, after the words "8 per cent. payable," insert the words "semi annually."

3rd. In section 11, strike out the word "sum," and insert the word "revenue."—Adopted.

The hour of 12 o'clock having arrived, for which hour there being a special order, it was suspended on motion to dispose of bill under consideration.

Mr. Hubbard moved to lay the bill on the table and print 133 copies. The motion prevailed.

Senate, 6th Dec., 1859.

Mr. Speaker: The Senate concurs in the resolution of the house proposing that the General Assembly adjourn on the 17th at 12 M., and meet again on the 9th of January next at 10 A. M.

M. TAUL, Secretary Senate.

On motion of Mr. Saffold the business of the house was suspended to allow him to make a report from the committee on the State Capitol.

The committee on the State Capitol to whom was referred the bill to provide for the lighting the capitol with gas, have had the same under consideration according to order, and have instructed me to report as follows: that it will be inexpedient to undertake the lighting of the capitol with gas before the recess; and think it doubtful whether the work can be done during the recess except in the two halls of the house and Senate. They report that the cost of the work, material, &c., and preparatory to the lighting will not be less than three thousand dollars, unless such cost can be reduced by a contract with the gas company, or some one else, to take the chandaliers, lamps, &c., now in use in the capitol, at a reasonable price. How much said amount might be thus reduced your committee cannot report.

The annual expenses of lighting the capitol heretofore by means of candles and oil has been about two hundred and eighty dollars.

The annual expense of lighting with gas your committee have found it difficult to arrive at with any degree of certainty, but with their information they think that the expense will be probably 4 or 5 hundred dollars; but they believe that the superiority of the light, the convenience and greater safety of the gas light will more than counterbalance the objection of greater cost.

The committee therefore instruct me to report the bill back to the house with amendments and recommend its passage.—Amendments: *Provided*, said contract shall not exceed the sum of three thousand dollars for putting in pipes chandaliers, and, also, other necessary materials and work preparatory to said lighting; *And provided further*, said Secretary of State shall dispose of the lamps, chandaliers, &c., now in the use of said capitol at such price as he can, and the same to be used towards paying off the contract with said gas company.

SEC. 2. *Be it further enacted*, That the controller of public accounts shall draw his warrant on the State treasurer, at the request of the Secretary of State for such an amount not more than \$3,000, as may be required to pay off said contract to be paid out of any moneys in the treasury not otherwise appropriated.

Mr. Hubbard moved to lay the amendments and bill on the table, pending which,

The House, on motion of Mr. Hubbard, adjourned until 10 o'clock to-morrow.

WEDNESDAY, 7th Dec. , 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House two records of divorce; which were referred to Committee on Divorce and Alimony;

Also laid before the House a communication from Robert Livingston; which was referred to Committee on Agriculture.

Mr. Forsyth, by leave, offered the following resolution:

*Resolved*, That the Committee on the State Capitol be instructed to enquire into, and report to this House, upon the expediency of providing an executive mansion suitable for the residence of the chief magistrate of the commonwealth of Alabama; and that the committee further recommend to this House measures for the improvement of the grounds of the State capitol and for keeping the same in order.

Adopted.

Leave of absence was granted Mr. Cunningham.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Clayton: to modify section 3296 of the Code;

Mr. Lane: to amend section 1171 of the Code;

Mr. Adams: for the relief of Jno. E. McLewy;

Mr. Forney: to change the law relative to the opening of depositions;

Mr. Hearin of Clarke: to incorporate the Grove Hill male and female academy;

Mr. Griffin of Dale: to alter and amend section 3274 of the Code of Alabama;

Mr. Jack: to regulate the pay of jurors in cases of change of name;

Mr. Martin: to amend section 2005 of the Code;

Mr. Tait of Macon: to authorize representatives of estates to

perfect titles for real estate sold by them after final settlement, and to correct errors, &c., in petitions, &c. ;

Mr. Overall: to prevent the sale of lottery tickets in this State;

Mr. Bradley: to prohibit the sale of spirituous or intoxicating liquors within one mile of Perryville female academy, in Perry county;

Mr. Ramsey, to authorize the executors of Josiah Moore, deceased, late of Sumter county, to make titles to certain lands;

Mr. Carter: to amend section 1747 of the Code;

Mr. Tait of Wilcox: for publishing and distributing the acts of the State of Alabama, in each county in the State;

Which bills were severally read and ordered to a second reading;

Mr. Parsons: to render available the two-fifths of stock reserved for the State, in the several banking institutions chartered by this State; which was read;

Mr. Parsons moved a suspension of the constitutional rule so as to give the bill a second reading.

Lost.

The bill was ordered to a second reading.

Mr. Mabry: to amend section 992 of the Code, and for other purposes, was read and ordered to a second reading;

Mr. Mabry moved to reconsider the vote by which the bill had been ordered to a second reading.

Carried.

The bill was read a second time under a suspension of the rule, and referred to the Judiciary Committee;

Mr. Lloyd: to change the time for holding the chancery court for the county of St. Clair;

Mr. Oats: to prohibit slaves from hiring their time;

Mr. Brown of Marion: to re-enact the provisions of an act entitled an act to locate permanently the seat of justice in Marion county, approved Feb. 2nd, 1858;

Mr. Walden of Coosa: to change the place of holding the chancery court for the county of Coosa; which bills were severally read, and under a suspension of the constitutional rule, were severally read the second time and referred to the Judiciary Committee;

Mr. Adams: to protect the State against abolition school teachers, was read; the constitutional rule suspended; was read the second time and referred to Committee on Federal Relations;

Mr. Brooks: to incorporate the Montgomery and Selma railroad company; which was read; the constitutional rule sus-



pended; read a second time and referred to Committee on Internal Improvements;

Mr. Walker: for the relief of the heirs at law of Wm. Hawn, deceased, late of Tuscaloosa county; which was read; the constitutional rule being suspended; was read a second time forthwith and referred to Committee on Banks and Banking;

Mr. Forsyth: for the promotion of medical science in Alabama; which was read; the constitutional rule suspended; was read a second time and referred to Committee on Local Legislation;

Mr. Taylor presented the petition of sundry citizens of Autaugaville, to repeal an act therein named; which was referred to Committee on Propositions and Grievances;

Mr. Irby presented the petition of sundry citizens of Fulton, in Dallas county, which was referred to Committee on Local Legislation;

Mr. Saffold moved to take up engrossed bills.

Lost.

#### REPORTS FROM THE COMMITTEE ON INTERNAL IMPROVEMENTS.

Mr. Rice reported sundry amendments to the bill to incorporate the Merchants Bank of Alabama. 12 o'clock arrived for which time there was a special order, which, on motion was suspended.

Mr. Rice moved that the further consideration of the bill and amendments be postponed until Saturday, at 12 o'clock, and made special order for that hour, and that the bill and *all the various amendments* be printed, viz: 150 copies.

Carried.

Senate, 7th December, 1859.

Mr. Speaker: The Senate has originated and passed bills entitled as follows:

To regulate sheriffs' and coroners' sales in the county of Shelby;

To exempt certain property from levy and sale;

For the relief of M. J. Ledbetter, of the county of Franklin, and Greene and Cox of the county of Barbour;

An act amendatory of the act, approved Dec. 12, 1857, to amend the charter of Eastern Bank of Alabama;

To amend the charter of the LaGrange college;

To incorporate the Grand Lodge of Free and accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction.

MICH TAUL, Secretary Senate.

Which last named bill in the message was read.

On motion of Mr. Clitherall, the constitutional rule being suspended, was read the second and third times, and passed.

Ordered forthwith to the Senate.

Mr. Knox, from Committee on Enrolled Bills, reported as correctly enrolled, the bill to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road.

Mr. Oats moved to take up the Senate bill to amend the charter of the LaGrange college.

Lost.

House proceeded to consider one of the special orders, being the bill for the relief of Hubert C. Childress.

Mr. Clitherall moved to lay the bill on the table, pending, the consideration of which,

The House, on motion of Mr. Shepard, adjourned until 10 o'clock to-morrow morning.

THURSDAY, 8th Dec., 1859.

House met pursuant to adjournment.

The journal was read and approved.

Mr. Speaker laid before the House a record of divorce, which was referred to Committee on Divore and Alimony;

Also laid before the House the report of the Quarter-Master General, which was referred to the Military Committee;

Mr. Clitherall moved to suspend the call of the counties to allow him and Mr. Clayton to offer resolutions.

Carried.

Mr. Clitherall offered the following resolution:

*Resolved*, That the door-keeper of the House of Representatives, be instructed to procure for the hall of the House, two suitable stoves.

Adopted.

Mr. Clayton offered the following resolution:

*Resolved*, That the Secretary of State be required to have the clock in the hall of the House of Representatives, kept in order so that it keeps the correct time.

Adopted.

Mr. Hardwick moved to call up the resolution heretofore offered by himself to hold two sessions per day.

Lost.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Forney: to amend section 2235 of the Code;

Also, to regulate the bringing of suits against common carriers;

Mr. Fielder : for the relief of the securities of Claiburne S. Collins, deceased, tax collector of Choctaw county ;

Which bills were read and ordered to a second reading ;

Mr. Irby : to amend the free banking law ; which was read.

Mr. Irby moved to suspend the constitutional rule so as to give the bill a second reading forthwith.

Lost.

The bill was then ordered to a second reading.

Mr. Jack : for the relief of H. B. McVey, tax collector of Franklin county, which was read ; and

On motion of Mr. Jack, the constitutional rule suspended.

The bill was read a second time, and

Mr. Clitherall moved to amend as follows : "*Provided*, That before this act shall take effect the securities of the said McVey, as such tax collector, shall file their assent in writing to its provisions in the office of the judge of probate for said county.

Adopted.

The bill was then read third time and passed.

Ordered forthwith to the Senate.

Mr. Hearin of Clarke : for the relief of Wm. McConnell, of Wilcox county ;

Mr. Mabry : to revive an act incorporating the Bibb county steam mill company ;

Mr. Dark : to authorize Marion Crowell of the county of Tallapoosa to practice medicine and charge for the same ;

Mr. Carter : for the relief of Aaron H. Harlan, and Joseph S. Johnson, of Tallapoosa county ;

Mr. Knox : to incorporate the Perote male and female high school ;

Mr. Walden of Morgan : granting township trustees certain privileges ;

Mr. Griffin of Marshall : for the relief of Eli Watts, of Marshall county ;

Mr. Griffin of Jackson : to repeal so much of the school law as requires three trustees to be elected in each township in Jackson county ;

Which bills were severally read, and ordered to a second reading ;

Mr. Clitherall moved that when the House adjourn, it adjourn to meet at 3 o'clock, P. M., to take up bills on the second reading.

Carried.

Mr. Hardwick moved to suspend the business before the House to take up the resolution to hold two sessions per day.

Yeas 56, nays 22.

Yeas—Messrs. Adams, Bell, Bibb, Bradley, Brooks, Brown of Marion, Bryan, Bush, Carlisle, Carter, Cary, Clifton, Cowan, Dark, Davis, Ferrell, Fielder, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallopoosa, Hubbard, Hudgins, Humphries, Jones, Lane, Latham, Martin Meadows, Musgrove, Neal, Oats, Parsons, Ramsey, Scott, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Wright.—56.

Nays—Messrs. Speaker, Abney, Bowen, Clayton, Clitherall, Flake, Fountain, Griffin of Dale, Huckabee, Knox, Lowe, Mabry, Overall, Rice, Seay, Starke, Tait of Macon, Tate of Wilcox, Taylor, Walker, Whitfield.—22.

Eleven o'clock arrived for which hour there was a special order, viz: The bill to extend the time of the payment of the balance of the debt due from the Mobile and Ohio railroad company to the State.

Mr. Hobbs moved to suspend the special order to dispose of the resolutions before the House.

Lost.

The question being on the adoption of the substitute as reported by Committee on Ways and Means.

Mr. Hale moved to amend the substitute as follows:

*And be it further enacted*, That all the provisions of section 4 of an act entitled an act to extend the time for the payment of the balance of the principal of the debt due from the Mobile and Ohio railroad company to the State of Alabama, approved 5th Feb., 1858, be, and the same are hereby re-enacted and continued in force, and said debt shall not be extended until all the provisions thereof are fully complied with.

*Be it further enacted*, That on the event said Railroad company fail to pay off and discharge said debt, together with all interest that may have accrued thereon, on the said 1st of December, 1862, it shall be the duty of the Governor of the State of Alabama to take all necessary steps to enforce all the securities which it (the State of Alabama) may hold against said company, so as to enforce the payment of the debt and interest due the State, at the earliest possible period thereafter.

Amendment adopted.

Mr. Starke moved to lay the whole subject on the table. Subsequently Mr. Starke asked leave to withdraw the motion so

as to move the indefinite postponement of the bill and substitute.

The House refused to allow Mr. Starke to withdraw the motion to lay on the table, and the House refused to lay on the table.

Yeas 36; nays 51.

Yeas—Messrs. Abney, Adams, Aldridge, Brooks, Bryan, Calhoun, Cary, Clayton, Cowan, Dark, Davidson, Easley, Fielder, Flake, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Holley of Covington, Humphries, Jones, Knox, Lane, Latham, Lloyd, Meadows, Rice, Seay, Seale, Smith of Coosa, Starke, Tait of Wilcox, Walden of Coosa, Warren.

Nays—Messrs. Bell, Bradley, Brown of Marion, Burgess, Bush, Calhoun, Carter, Clapp, Clifton, Clitherall Cooper, Davis, Ferrel, Forney, Forsyth, Gilchrist, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Talapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Saffold, Scott, Shepard, Sherrod, Smith of Lauderdale, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright.

Mr. Hale moved to amend further :

*Be it further enacted*, That the acceptance of their extension shall operate as a release of all defences by the company against the collector of the debt, and also a release of all right to enjoin the State from proceeding to collect the debt, or enforce its securities against the company, or proceeding to sell the bonds or any other property of said company mortgaged to the State or deposited as security from the payment of the debt.

Adopted.

Mr. Starke moved to strike out all after the enacting clause, and insert the following: "That the State of Alabama hereby relinquish the debt due by the Mobile and Ohio Railroad to said State."

Mr. Smith of Lauderdale, moved to lay the amendment of Mr. Starke on the table.

Mr. Starke demanded the yeas and nays on the motion.

Yeas 75; nays 3.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carter, Cary, Clayton, Clifton, Cooper, Cowan, Dark, Davidson, Davis, Ferrell, Fielder, Flake, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Jack, Knox, Lane, Lloyd, Lowe, Mabry, Martin, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Rice, Saffold, Scott,

Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright.

Nays—Messrs. Easley, Jones, Starke.

#### MESSAGE FROM THE SENATE.

Senate, 8th Dec. 1859.

Mr. Speaker: The Senate has originated and passed bills of the following titles:

An act making appropriations to pay members and officers of the General Assembly:

To compensate Richard Norton, of Cherokee county, for services rendered the State;

Messrs. Chilton, Bynum and Jones of Greene, compose joint committee, on the part of the Senate, appointed in accordance with the requirements of joint resolutions of the General Assembly of the State of Alabama, providing for the security and protection of said State, by arming, disciplining the citizen soldiery thereof;

Also passed House bill to cede to the United States title and jurisdiction over a certain Island in the Gulf of Mexico, on the coast of Alabama, known as Tower Island, and for other purposes;

Also adopted the following resolution:

*Resolved*, (the House concurring,) That the two Houses meet in joint convention, in the Hall of the House of Representatives, on Monday, the 12th instant, at 12 o'clock M., for the purpose of electing a Superintendent of Education, to fill the vacancy occasioned by the resignation of Wm. F. Perry, Esq.

M. TAUL, Secretary Senate.

Question being on ordering the substitute to be engrossed, when,

On motion of Mr. Forsyth, the House adjourned until three o'clock P. M.

#### AFTERNOON SESSION, Dec. 8th, 1859.

House met pursuant to adjournment.

On motion of Mr. Clitherall leave of absence was granted to Mr. Bowden.

The bills:

To divorce Dennis L. Hawthorn from his wife Sarah Ann Hawthorn, and other persons therein named;

To divorce Elizabeth Lumley from her husband, Irwin E. Lumley, and to divorce other persons therein named ;

To divorce Wesley M. Penson from his wife, Susan A. Penson, and to divorce other persons therein named ; were severally read the second time, and ordered to be engrossed ;

For the benefit of the Supreme Court and State Libraries, was read the second time ;

Mr. Clitherall moved to suspend the constitutional rule so as to read the bill a third time forthwith.

Lost.

Senate bill to incorporate the Tennesse Valley Agricultural and Mechanical Association, was read the second time ;

Mr. Oats moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Lost.

The bills were then ordered to a third reading on to-morrow.

Leave was granted to Mr. Whitfield to serve on joint committee to examine the affairs of Treasurer and Comptroller.

The bills :

To obviate captious objections and to ensure speedy trials in certain cases ;

To regulate the payment of costs in appeals from justices courts ;

To repeal sections 3271 and 3272 of the Code of Alabama ;

For the relief of certain persons therein named ;

To exempt slaves from levy and sale under legal process ;

To authorize the coroners of this State to appoint bailiffs ;

For the relief of the next of kin of James Ritter, deceased, late of Montgomery county ;

To amend section 1997 of the Code ;

To amend section 2462 of the Code ;

To prevent frivolous or malicious prosecution ;

To authorize the administrator of Deny Fair, deceased, to sell the negroes belonging to said estate ;

For the benefit of insolvent white persons confined in jail in any county in the State ;

To enable W. H. Ragsdale, the guardian of Wm. Nichols, a lunatic, in Bibb county, to sell the real and personal property of said lunatic. or as much thereof as may be necessary to pay his debts ;

To compensate surgeons and physicians for attending coroners' inquests ;

To amend the law in relation to the unlawful detainer of lands ;

To increase the efficiency of the patrol law ;

Better to preserve subordination among slaves ;

To compensate probate judges for certain services therein named ;

To change the mode of compensation of the Attorney General and Solicitor ;

To regulate pleadings in criminal cases ;

To provide for the payment of costs in certain cases ;

Were severally read the second time, and referred to committee on the judiciary.

The bill to establish a Medical Board in the city of Wetumpka was read the second time, when

Mr. Walden of Coosa, moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Lost.

The bill was then referred to committee on local legislation.

The bills :

To regulate suits brought before justices of the peace in Marshall county ;

To make Matilda H. McArthur, of Mobile, a free dealer ;

To authorize justices of the peace to appoint apportioners of roads in Pickens county ;

To regulate the fees of the Judge of probate of Cherokee county, in certain cases.

For the relief of Wm. H. Jordan ;

To locate permanently the seat of justice in Washington county ;

To allow Sam'l Crosbie and J. J. Baily to erect fish traps on Big Bear creek in the county of Franklin ;

To repeal an act therein named so far as it relates to the Gadsden male and female academy ;

To alter the term of office for the county Treasurer of Marshall county ;

To make the Clerk of the City Court of Mobile, elective by the people ;

For the removal of the administration on the estate of B. H. Cox, deceased, from the county of Macon to the county of Tallapoosa ;

To authorize Wm. H. Neville of Sumter county, to erect gates across a certain public road ; were severally read the second time and referred to committee on local legislation.

Senate bills :

The better to secure the collection of certain taxes ;

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years ;

House bills :



To regulate the mode of assessing and collecting the taxes of the State ;

To regulate Hawking and Pedling, were severally read the second time and referred to committee on ways and means.

Senate bill :

To regulate election districts and for other purposes ;

House bill :

To amend section 210 and 211 of the Code of Alabama, were severally read the second time and referred to committee on privileges and elections.

Senate bill : To extend the debts due the 16th section ;

House bill : For the relief of Thos. Killough were severally read the second time and referred to committee on the 16th section.

Senate bill to amend the charter of the town of Gainsville ;

To incorporate the Clintonville Academy in Coffee county ;

Relating to incorporated companies ;

House bills : To incorporate the Nusobulga male and female Academy in Randolph county ;

To incorporate a Cemetery in the county of Tuscaloosa :

To amend the charter of the Alabama and Georgia Railroad company, approved 19th January 1850 ;

To define the liability of the Mobile and Girard Railroad company were severally read the second time and referred to committee on corporations.

The bill to incorporate the Livingston Insurance company was read the second time.

Mr. Clitherall moved to amend as follows: *Provided*, that the General Assembly may at any time hereafter, modify or repeal this charter ; *And provided further*, that nothing contained in this act shall be construed as conferring upon said company, banking power or privileges ; *And provided further*, that no bank note or bill issued or made by any, created or established by the authority of any of our sister States, or of any foreign country shall be paid out under any circumstances by the company created by this act or by any of its officers or agents under the penalty of forfeiture of the charter by this act created which was referred with the bill to the committee on corporations.

The Senate and House bills to amend an act granting the right of way to the Nashville and Chattanooga Railroad company through Jackson county and the privilege of constructing a bridge across Tennessee river in said county approved 21st January, 1850 ;

The Senate bill to authorize the Savannah, Griffin and North Alabama Railroad company of the State of Georgia to extend

their Railroad from the Alabama line to some point on the Alabama and Tennessee River Railroad between the town of Talladega in the county of Talladega and the town of Jacksonville in the county of Calhoun ;

To amend the charter of the North East and South West Alabama Railroad company, which were severally read the second time and referred to committee on internal improvements.

The bills for the relief of James B. Farmer, Sheriff, and ex-officio jailor of Calhoun county ;

To refund to Jno. P. Gates of Pickens county a sum overpaid by him as tax collector, into the treasury, were severally read the second time and referred to committee on accounts and claims.

To amend section 5 art. 4 of the school law, approved 14th February, 1856 ;

To incorporate a Medical College at Mobile ;

To exempt certain persons, therein named, from serving on juries, working on public roads, and performing military duty in Marshall county ;

Requiring the county superintendents of public schools to hold their office at the court house of their respective counties.

Joint resolutions providing for a new seal of the State, which bills and joint resolutions were severally read the second time and referred to committee on education.

The bill to compel owners and keepers of public ferries to attach aprons to their flats or boats was read the second time.

Mr. Griffin of Marshall moved to lay the bill on the table.

Lost.

The bill was then referred to committee on roads, bridges, and ferries.

Senate bill :

To require owners of public ferries to attach banisters to their boats was read the second time and laid on the table.

On motion of Mr. Hubbard, the bill for the relief of Wiley Davis was read the second time and referred to committee on county boundaries.

The bill to authorize Green S. Cox of Barbour county to practice medicine was read the second time and referred to committee on propositions and grievances.

The house bills :

To incorporate the Sumter mounted guards ;

To incorporate the Canebrake Rifle Guards ;

To incorporate the Orion Blues, of Pike county ;

To provide for the building of a State Arsenal at Montgomery,

were severally read the second time and referred to committee on the military.

The senate bill:

To repeal an act to regulate the Probate Court of Franklin county was read the second time.

Mr. Oats moved to suspend the constitutional rule. Carried.

The bill was read the third time and passed.

Senate bill to repeal an act incorporating the town of Dadeville, was read the second time and,

On motion of Mr. Holley of Tallapoosa, the constitutional rule was suspended ; the bill was read the third time and passed.

The bill to compensate Dyer and Blithe for services rendered, was read the second time and,

On motion of Mr. Rice, the constitutional rule was suspended, the bill was read a third time forthwith, and passed.

The bill to amend an act to incorporate the Columbus and Tennessee Valley Rail road company was read the second time and,

On motion of Mr. Brown of Marion, the constitutional rule was suspended ; the bill was read a third time and passed.

The bill for the relief of Lewis White of Blount county, was read the second time, and ordered to be engrossed.

The bill for the relief of Wm. A. Bishop of Tuscoloosa county, was read the second time.

Mr. Cliterall moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Lost.

The bill was then ordered to be engrossed.

The Senate bill to authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, etc., for said county, was read the second time and referred to the delegation from Mobile.

The House bill to change the county line between the counties of Barbour and Pike, was read the second time, and referred to the delegation from Pike and Barbour.

The House bill, in fulfillment of the duty imposed upon the General Assembly by the last sentence of the fifth section of the sixth article of the constitution of the State of Alabama, which was read the second time.

Mr. Fountain moved to amend as follows:

"*Provided*, That none of the provisions of said act shall apply to the county of Dale, Jackson, Wilcox, Limestone, Montgomery, Clarke, Franklin."

Mr. Ramsey moved to lay the bill and amendment on the

table, upon which motion Mr. Rice demanded the yeas and nays.

The motion prevailed.

Yeas, 42 ; nays, 32.

Ayes—Messrs. Speaker, Aldridge, Bell, Bibb, Brown of Marion, Bush, Carter, Cary, Clapp, Clifton, Clitherall, Cowan, Dark, Davis, Easley, Ferrell, Fielder, Forney, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Hightower, Huckabee, Hudgins, Humphries, Latham, Mabry, Musgrove, Overall, Ramsey, Scott, Seay, Sherrod, Slater, Smith of Coosa, Tait of Wilcox, Taylor, Thornton, Walden of Coosa, Warren.

Nays—Messrs. Adams, Bowen, Bradley, Brooks, Bryan, Calhoun, Carlyle, Clayton, Fountain, Gilchrist, Griffin of Dale, Herren of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Jack, Jones, Lane, Lloyd, Lowe, Meadows, Oats, Rice, Saffold, Seale, Shepard, Starke, Tate of Macon, Walker, White, Wright.

Mr. Lloyd moved to adjourn until ten o'clock to-morrow morning.

Lost.

Mr. Irby moved to adjourn until one-half past 9 o'clock to-morrow.

The motion prevailed.

FRIDAY, Dec. 9, 1859.

House met pursuant to adjournment.

The journal of the proceedings of the forenoon was read and approved.

The journal of the afternoon was partly read, when on motion of Mr. Clitherall, the further reading was dispensed with.

On motion of Mr. Clitherall, the vote by which the House in the afternoon session of yesterday laid on the table the bill "in fulfillment of the duty imposed upon the General Assembly by the last sentence of the fifth section of the sixth article of the constitution of the State of Alabama," was reconsidered.

Mr. Ramsey withdrew his motion to lay on the table.

Leave of absence was granted Mr. Coleman.

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Chambers: to amend section 1022 of the Code ;

Also, to prevent frivolous defences to actions at law ;

Mr. Cooper: to expedite the trial of criminal cases ;

Mr. Irby: to charter the Planters' and Merchants' Insurance Company, at Selma;

Mr. Hale: for the relief of certain persons therein named;

Mr. Herman: to dispose of masonry and other fixtures of the Muscle Shoals Canal;

Mr. Saffold: to enable the executor and executrix of the last will and testament of H. V. Norton, deceased, to invest the accumulated funds of said estate in personal and real estate;

Mr. Knox: to change the name of R. K. Coppinger to that of Rufus King;

Mr. Ramsey: for the relief of W. H. Bennett, of Sumter county;

Which bills were severally read and ordered to a second reading.

Mr. Mabry: to amend section 399 of the Code;

Which bill was read, and on motion of Mr. Mabry, the constitutional rule was suspended, and the bill was read a second time.

Mr. Clitherall moved to amend as follows: Strike out "fifty" and insert "five hundred."

Mr. Chambers moved to refer the bill to a select committee.  
Lost.

Mr. Cooper moved to lay the bill on the table.

Lost.

Mr. Smith, of Lauderdale, moved to suspend the constitutional rule, so as to give the bill a third reading; on which motion,

Mr. Cooper demanded the yeas and nays.

Lost.

Yeas, 50; nays, 29.

Yeas—Messrs. Aldridge, Bell, Bowen, Brooks, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Cowan, Dark, Davidson, Davis, Ferrell, Flake, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Irby, Jack, Jones, Knox, Mabry, Neal, Oats, Overall, Rice, Scott, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, White, Wright.

Nays—Messrs. Speaker, Abney, Bradley, Brown of Marion, Carlysle, Clayton, Clitherall, Cooper, Fielder, Forney, Fountain Gibson, Gilchrist, Griffin of Dale, Hale, Hightower, Lloyd, Lowe, Martin, Meadows, Musgrove, Ramsey, Saffold, Shepard, Sherrod, Slater, Walker, Warren, Whitfield.

The bill was then ordered to be engrossed.

Mr. Jones : for the relief of Henry W. Frawick, executor of Moses Frawick, of Russell county ; which was read ; the constitutional rule suspended. The bill was read a second time, and referred to the Judiciary Committee.

Mr. Brown, of Marion, moved to suspend the business to offer a resolution.

The House refused to suspend.

On motion of Mr. Griffin of Jackson, the House suspended the business to allow him to offer the following resolution :

*Resolved*, That with the concurrence of the Senate, the two Houses meet in convention in the hall of the House of Representatives at 12 o'clock on Monday, for the purpose of electing a Comptroller of Public Accounts, Treasurer, Superintendent of Education, and Secretary of State.

Which was adopted.

Mr. Irby, by leave, offered the following resolution :

*Resolved*, That the Speaker be authorized to appoint two additional members of the ways and means committee.

Messrs. Tait, of Wilcox, and Bowen were appointed.

Mr. Holley, of Covington, moved to suspend the business before the House to offer a resolution.

Carried.

*Resolved*, That the Speaker be, and he is hereby authorized and requested to add five more members to the Committee on the Judiciary, who are not legal gentlemen.

Mr. Irby moved to lay the resolution on the table, upon which motion Mr. Brown, of Marion, demanded the yeas and nays.

Yeas, 43 ; nays, 41.

Carried.

Ayes—Messrs. Speaker, Aldridge, Bell, Bowen, Bradley, Brooks, Bush, Carlyle, Carter, Cary, Clayton, Dark, Davis, Flake, Forney, Forsyth, Hale, Hearin of Clarke, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jones, Knox, Latham, Mabry, Meadows, Overall, Parsons, Ramsey, Saffold, Scott, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Tait of Macon, Tait of Wilcox, Thornton, Walden of Morgan, White.

Nays—Messrs. Abney, Adams, Brown of Marion, Bryan, Calhoun, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Davidson, Easley, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Jack, Lane, Lloyd, Martin, Musgrove, Neal, Oats, Rice, Seale, Slater,

Starke, Taylor, Walden of Coosa, Walker, Warren, Whitfield, Wright.

Senate, Dec. 9, 1859.

*Mr. Speaker:* The Senate has amended and passed a House bill to revive and amend the North-western Railroad Company.

Also, passed a House bill to authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery.

The Senate has originated and passed the following bills:

To amend section 1255 of the Code; and also the act amendatory thereof, approved February 20, 1854;

To more effectually punish the crime of incest;

For the relief of Daniel Lankford, of Fayette county;

To revive an act therein specified, and for other purposes;

To authorize the judges of the circuit courts to preside in their own circuits, without interchanging with each other.

To repeal an act to compel the personal attendance of witnesses in civil cases.

The Senate has amended by striking out the 8th and inserting the 15th, and as amended concurred in the resolution of the House proposing that the two houses meet in joint convention in the hall of the House on Thursday the 8th inst. at 12 o'clock, for the purpose of electing a Secretary of State to succeed Hon. James H. Weaver.

MICAH TAUL, Secretary.

On motion of Mr. Scott, the business before the House was suspended, to allow him to introduce the following resolution:

*Resolved,* That Mr. Elliott be allowed to place a machine invented by him, to sharpen gin saws, in the rotunda of the capitol, for the examination of members of the legislature. Adopted.

Senate Bills:

To exempt certain property from levy and sale;

To amend the charter of Eastern Bank of Alabama;

Amendatory of the act approved December 12, 1857;

For the relief of M. J. Ledbetter of the county of Franklin, and Green S. Cox of the county of Barbour;

To regulate sheriffs' and coroners' sales in the county of Shelby;

To amend the charter of Lagrange College;

Making appropriations to pay members and officers of the General Assembly;

To revive an act therein specified and for other purposes;

To repeal an act to compel the personal attendance of witnesses in civil cases;

To authorize the judges of the circuit court to preside in their own circuit without interchanging with each other;

For the relief of Daniel Lankford of Fayette county;

More effectually to punish the crime of incest;

To amend section 1255 of the Code, and also the act amendatory thereof, approved February 20, 1854;

Which bills were severally read and ordered to a second reading.

The Senate bill to compensate Richard Norton of Cherokee county, for services rendered the State, was read.

Mr. Clifton moved to suspend the constitutional rule, so as to give the bill a second reading forthwith.

Lost.

The bill was then ordered to a second reading.

The House bill to revive and amend the North-Western Rail Road Company.

Amended by the Senate.

The House concurred in said amendment of the Senate.

Mr. Scott from the committee on enrolled bills, reported the following as correctly enrolled:

To cede to the United States title and jurisdiction over a certain island in the Gulf of Mexico, on the coast of Alabama, known as Tower Island, and for other purposes;

To compel the Chattanooga and Nashville Rail Road Company to drain the ponds along the line of said road;

To amend the charter of the town of Cahaba.

The hour of 11 o'clock arrived—there being a special order, viz:

The bill to extend the time of the payment of the balance of the debt due from the Mobile and Ohio railroad company to the State.

Question being on ordering the substitute to be engrossed.

Mr. Parsons moved to amend as follows:

*Provided further,* And this extension of time is upon the express condition that said railroad company agrees to and does hereby preclude itself from making any further application to extend the time for the payment of said money.

Mr. Starke moved to suspend the special order so as to allow committees to report, upon which motion Mr. Starke demanded the yeas and nays.

Yeas 16, nays 66.

Lost.

Yeas—Messrs. Bowen, Bryan, Calhoun, Dark, Flake, Foun-



tain, Griffin of Dale, Hardwick, Holley of Covington, Jones, Knox, Seale, Smith of Coosa, Starke, Walden of Coosa, Warren.—16.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Marion, Burgess, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Davidson, Davis, Flake, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Lane Latham, Lloyd, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Shepard, Sherrod, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Thornton, Walden of Morgan, Walker, Wright.—66.

Mr. Stark moved to lay the amendment of Mr. Parsons on the table, and demanded the yeas and nays.

Yeas 7, nays 68.

Lost.

Ayes—Messrs. Dark, Jones, Knox, Lloyd, Smith of Coosa, Starke, Walden of Coosa.—7.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Burgess, Bush, Carlyle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Cooper, Cowan, Davidson, Davis, Ferrell, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Irby, Jack, Lane, Latham, Lowe, Mabry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Saffold, Scott, Shepard, Sherrod, Slater, Smith of Lauderdale, Tait of Wilcox, Taylor, Thornton, Walden of Morgan, Walker, Warren, Whitfield, Wright.—68.

Mr. Walden of Coosa, moved to amend the amendment as follows: "And further relinquish the right to redeem any lands that may be sold by mortgage or otherwise, on account of said debt."

Which amendment, on motion of Mr. Irby, was laid on the table.

The amendment of Mr. Parsons was then adopted.

Mr. Irby moved the previous question.

Mr. Lloyd demanded the yeas and nays on the motion.

Yeas 74, nays 9.

Previous question sustained.

Ayes—Messrs. Speaker, Adams, Aldridge, Bell, Bowen,

Bradley, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Coleman, Cooper, Cowan, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Jones, Knox, Lane, Latham, Lowe, Mabry, Musgrove, Neal, Oats, Overall, Parsons, Saffold, Scott, Shepard, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield.—74.

Nays—Messrs. Abney, Burgess, Dark, Lloyd, Martin, Meadows, Smith of Coosa, Seale, Stark.—9.

The substitute was then ordered to be engrossed.

The House proceeded to consider the next special order, being the bill for the relief of Hubert C. Childress. Question being upon the motion of Mr. Clitherall to lay the bill on the table; which motion by leave of the House, Mr. Clitherall withdrew. Question being upon ordering the bill to be engrossed.

Mr. Brown of Marion, demanded the yeas and nays.

Yeas 36, nays 46.

Yeas—Messrs. Speaker, Adams, Bowen, Bradley, Bryan, Burgess, Bush, Calhoun, Cary, Chambers, Clapp, Clayton, Davis, Easley, Forney, Forsyth, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Huckabee, Irby, Jack, Jones, Knox, Lowe, Meadows, Overall, Rice, Shepard, Sherrod, Tate of Macon, Walker, Warren, Whitfield, Wright.—36.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Brooks, Brown of Marion, Carter, Clifton, Clitherall, Cooper, Cowan, Dark, Davidson, Ferrell, Fielder, Fountain, Gibson, Gilchrist, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Lane, Latham, Lloyd, Mabry, Martin, Musgrove, Neal, Oats, Parsons, Saffold, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Thornton, Walden of Coosa, White.—46.

Mr. Clitherall gave notice to the House that he would move to reconsider the vote by which the House refused to order the bill to a third reading.

The House proceeded to the consideration of the next special order, being the bill to amend the law in relation to the emancipation of slaves; and the question being upon concurring in

the second report of the Judiciary Committee; which was adverse to the 1st amendment and favorable to the second amendment of Mr. Clitherall.

Message from the Governor.

Mr. Speaker: His Excellency the Governor has approved bills which originated in the House of Representatives of the following titles:

An act to compel the Nashville and Chattanooga railroad company to drain the ponds along the line of said road;

An act to cede to the United States title and jurisdiction over a certain island in the Gulph of Mexico, on the coast of Alabama, known as Tower Island; and for other purposes.

W. PHELAN,  
Private Secretary.

When on motion of Mr. Hale, the House adjourned until 10 o'clock to-morrow morning.

SATURDAY, 10th Dec., 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Griffin of Jackson, by leave of the House, offerered the following resolution:

*Resolved*, That Dr. Garland, President of the university of Alabama, is hereby invited to deliver an address in the representative hall, on Monday next at 3 o'clock, p. m., on Southern Literatue, the state of the University and the education of the youth of the South.

Adopted.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Clayton: to establish a State military academy at Glennville, in Barbour county;

Mr. Chambers: to amend the charter of the Eastern Bank of Alabama;

Also, to amend the criminal laws of this State;

Mr. Holley of Covington: to transfer the county of Covington to the 7th chancery district of southern chancery division;

Mr. Griffin of Dale: for the relief of Adelia Eckols, of Dale county;

Mr. Huckabee: defining the duties of sheriffs and regulating their fees in certain cases;

Mr. Griffin of Jackson : to require the judge of the probate court and the clerk of the circuit court to file a newspaper in their respective offices.

Mr. Clitherall: to repeal section 110 of the Code of Alabama ;

Mr. Jones: to extend the jurisdiction of the probate court;

Mr. Ramsey : to incorporate the Livingston Light Infantry ;

Which bills were severally read and ordered to a second reading ;

Mr. Smith of Lauderdale : to commence the work of preparing for the establishment and defence of the rights, interests and honor of the people of Alabama ; which was read and ordered to a second reading ;

Mr. Smith of Lauderdale moved to reconsider the vote by which the bill was ordered to a second reading.

Carried.

Mr. Smith of Lauderdale moved to suspend the constitutional rule so as to give the bill a second reading.

Carried.

The bill was then read a second time and referred to the Committee on the Military ;

Mr. Lane : to authorize the removal of the estate of Dennis Hodge, deceased, from the county of Butler to the State of Louisiana ; which was read, and under a suspension of the constitutional rule, was read a second time and referred to Committee on the Judiciary ;

Mr. Irby presented a statement in regard to the Fulton petition ; which was referred to Committee on Local Legislation ;

Mr. Huckabee presented the petition of H. B. Duggen, and 104 others ; which was referred to Committee on Corporations ;

Mr. Forsyth presented the petition of Jno. A. Cuthbert, and others for the protection of oyster beds ; which was referred to committee composed of the delegates from Mobile ;

Mr. Aldridge moved to suspend the business before the House to take up and consider bills on the third reading.

Carried.

Engrossed bills :

To regulate the pay of witnesses in criminal cases ;

For the relief of Cherry Keys ;

To incorporate the Montgomery and Eufaula railroad company ;

To amend section 1473 of the Code of Ala. ;

To regulate the trial of assaults and batteries and affrays ;

For the relief of the creditors and distributees of Greene W. Cole ;

To repeal an act therein named ;

To ascertain the sense of the people of Jackson county in regard to the permanent location of the county site and to provide for building a court house and jail ;

To divorce Elizabeth Lumley from her husband, Irwin Lumley, and to divorce other persons therein named ;

To divorce Wesley M. Pinson from his wife Susan A. Pinson, and to divorce other persons therein named ;

To divorce Dennis L. Hawthorn from his wife, Sarah Ann Hawthorn, and to divorce other persons therein named.

For the relief of Lewis White of Blount county ;

For the benefit of the Supreme court and State libraries ;

For the relief of Wm. A. Bishop of Tuscaloosa county ; were severally read the third time and passed.

The engrossed bill to extend the times for payment of the balance of the debt due from the Mobile and Ohio railroad company to the State, was read third time and passed.

Yeas 47, nays 35.

Ordered to the Senate.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bradley, Brooks, Brown of Marion, Bryan, Bush, Carter, Clapp, Clifton, Clitherall, Cooper, Davis, Easley, Forney, Forsyth, Gibson, Gilchrist, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hobbs, Huckabee, Hudgins, Irby, Lowe, Musgrove, Neal, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Sherrod, Slater, Smith of Lauderdale, Tait of Macon, Tate of Wilcox, Thornton, Walden of Morgan, Walker, Wright.—47.

Nays—Messrs. Adams, Bowen, Burgess, Calhoun, Carlisle, Cary, Chambers, Clayton, Dark, Davidson, Ferrell, Fielder, Flake, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Hightower, Holley of Covington, Jack, Jones, Knox, Lane, Latham, Lloyd, Martin, Meadows, Oats, Seay, Seale, Smith of Coosa, Starke, Walden of Coosa, Warren.—35.

Senate bill to incorporate the Tennessee valley agricultural and mechanical association, was read the third time and passed.

The engrossed House bill to protect growing crops from levy and sale, was read the third time, and on motion of Mr. Hale, laid on the table.

The engrossed House bill to enable the creditors of Phillip Barton, deceased, to prove their claims, was read the third time and on motion of Mr. Rice, postponed until the 9th day of January, 1860.

Leave of absence was granted to Messrs. Holley of Tallapoosa, Humphries and Thomas.

Leave was granted to Mr. Ramsey to withdraw the account of Mr. Saunders.

The engrossed bill to amend section 399 of the Code, was read the third time and passed, and ordered forthwith to the Senate.

Mr. Clitherall moved to take from the orders of the day the bill to render available the two-fifths of stock reserved for the State in the several banking institutions chartered by the State, which prevailed.

The bill was read a second time.

Mr. Clitherall moved to refer it to the Committee on Judiciary.

Mr. Starke, to refer the bill to the Committee on Banks and Banking.

The bill was referred to the Judiciary Committee.

Senate, 10th December, 1859.

Mr. Speaker: The Senate has passed the tollowing bills from the House:

For the relief of H. B. McVey, tax collector of Franklin county;

To repeal the law establishing commissioners' districts in Walker county;

To incorporate the Mount Hebron male and female academy, in Greene county;

To authorize an additional term of the chancery court in the county of Jackson;

To amend the charter of the town of Greensboro, in Greene county;

The Senate has originated and passed the following bills:

Amendatory of the act to protect the citizens of Mobile and Baldwin countiies in the enjoyment of their oyster beds, approved 2nd Feb., 1858;

To amend an act to authorize the trustees of township 14, range 13 to collect notes due said township;

For the relief of Nathaniel J. Nettles, of Monroe county;

To amend the road laws of Coosa county;

To prevent the Northern Bank of Alabama at Huntsville, from paying out notes of banks of other States;

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate, in the county of Macon;

A joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States;

Also passed House bills authorizing the probate court of

Mobile county to grant licenses to the amusements, shows and exhibitions in said county ;

To authorize the commissioners of revenue of Mobile county to make certain additions to, and improvements on, the jail of said county.

Amended and passed.

House bill: to amend section 399 of the code;

And originated and passed a bill to compensate W. B. and A. R. Bell.

MICAH TAUL, Secretary Senate.

House proceeded to consider the special order, being the bill to amend the law in relation to the emancipation of slaves; question being upon a concurrence of the report of the judiciary committee, which report was adverse to the first amendment and favorable to the second.

The House refused to concur in the adverse report, when both amendments were adopted.

Mr. Cooper moved to suspend the constitutional rule, so as to read the bill a third time.

Lost.

The bill was then ordered to be engrossed.

Yeas, 63; nays, 19.

Ayes—Messrs. Adams, Bell, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carlisle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hudgins, Irby, Jones, Knox, Lane, Latham, Lloyd, Martin, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seale, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walker, Warren, White, Wright.

Nays—Messrs. Speaker, Aldridge, Bibb, Bowen, Cowan, Davis, Easley, Flake, Forsyth, Hobbs, Huckabee, Jack, Lowe, Meadows, Musgrove, Seay, Slater, Taylor, Walden of Morgan.

On motion of Mr. Clitherall, the bill to compensate W. B. and A. R. Bell, was read; the constitutional rule being suspended, was read a second time.

Mr. Gibson moved to refer the bill to committee on accounts and claims.

Lost.

The bill was read a third time, under a suspension, and passed.

Yeas, 58 ; nays, 19.

Ayes—Messrs. Bell, Bowen, Bradley, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Irby, Jack, Jones, Lane, Lowe, Martin, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seay, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Walden of Morgan, White, Wright.

Nays—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Burgess, Calhoun, Carlisle, Clifton, Gibson, Griffin of Jackson, Hardwick, Hearin of Clarke, Huckabee, Latham, Lloyd, Meadows, Sherrod, Thornton, Warren.

On motion of Mr. Rice, the bill to incorporate the Merchants' Bank at Mobile, was postponed until 12 o'clock on Monday next.

Senate, Dec. 10, 1859.

*Mr. Speaker:* The Senate has amended, by striking out Secretary of State where it occurs, and add after Superintendent of Education as follows: and on Thursday, the 12th day of January, for the purpose of electing a Secretary of State; and as thus amended, concurs in the resolution of the House, proposing that the two houses meet in convention in the hall of the House of Representatives on Monday the 12th inst., at twelve o'clock M., for the purpose of electing a Controller of Public Accounts, Treasurer, State Superintendent of Education, and Secretary of State.

M. TAUL, Secretary.

Mr. Fielder, at one-quarter to two o'clock, moved to adjourn until one-quarter to 10 o'clock on Monday.

Yeas, 27 ; nays, 47.

Lost.

Yeas—Messrs. Bradley, Cary, Clitherall, Davidson, Fielder, Flake, Goldsmith, Griffin of Dale, Hale, Herman, Hightower, Holley of Covington, Irby, Jones, Lane, Lowe, Meadows, Rice, Scott, Seale, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Warren, White.

Nays—Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Brown of Marion, Burgess, Bush, Calhoun, Carlisle, Carter, Chambers, Clapp, Clayton, Clifton, Cooper, Cowan, Dark, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Griffin of Jackson, Griffin of



Marshall, Hardwick, Herren of Tallapoosa, Huckabee, Jack, Latham, Lloyd, Musgrove, Neal, Overall, Parsons, Ramsey, Saffold, Shepard, Sherrod, Smith of Coosa, Starke, Thornton, Walden of Morgan, Wright.

Mr. Clayton, by leave, offered the following resolution :

*Resolved* That 500 copies of the report of the quarter master general be printed for the use of the members of the House of Representatives.

Adopted.

On motion of Mr. Clitherall, at seven minutes after two o'clock P. M., the House adjourned until 10 o'clock on Monday.

Yeas, 41; nays, 25.

Ayes—Messrs. Speaker, Aldridge, Bowen, Bradley, Brown of Marion, Calhoun, Cary, Chambers, Clapp, Clitherall, Dark, Davidson, Easley, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Jones, Lane, Lowe, Martin, Musgrove, Neal, Overall, Rice, Scott, Seale, Slater, Smith, of Coosa, Tate of Macon, Walker, Warren, White.

Nays—Messrs. Bell, Burgess, Bush, Carlisle, Carter, Clayton, Clifton, Cooper, Cowan, Forney, Griffin of Jackson, Hobbs, Huckabee, Lloyd, Meadows, Parsons, Ramsey, Saffold, Shepard, Starke, Taylor, Thornton, Walden of Morgan, Wright.

MONDAY, Dec. 12, 1859.

House met pursuant to adjournment.

Journal was read, corrected and approved.

Mr. Speaker laid before the House a communication from the Chamber of Commerce of New York, in regard to sanded cotton, which was referred to the committee on agriculture.

Mr. Clitherall, by leave, offered the following resolution :

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of a law to require all persons from other States than Alabama, who have come into this State not to remain permanently, to take the oath of allegiance to the State, without including travelers in said law.

Adopted.

Mr. Chambers, by leave, offered the following resolution :

*Resolved*, That the Committee on Education be instructed to consider the propriety of encouraging the publication of Southern school books, and to report by bill or otherwise.

Adopted.

## CALL OF COUNTIES.

Bills were introduced by:

Mr. Taylor: to raise the license on hawkers and pedlars in the county of Autauga;

Mr. Aldridge: to fix the time for the convening of the General Assembly of the State of Alabama;

Mr. Holley of Covington: to incorporate the Fair Mount Baptist Church, in Covington county;

Mr. Walker: to amend the charter of the Mobile Marine Dock and Mutual Insurance Companies;

Mr. Walden, of Morgan: to collect cost in criminal prosecutions;

Mr. Ferrell: making trustees of free public schools subject to the process and liabilities of the writ of garnishment;

Mr. Bell: to amend the law in regard to security for costs in certain cases;

Mr. Parsons: for the better regulation of the several banks chartered by this State;

Mr. Easley: more effectually to secure the secrecy of the grand jury;

Which bills were severally read, and ordered to a second reading.

Mr. Easley: for the relief of Jesse B. Wallis, of the county of Walker;

Which bill was read; the constitutional rule being suspended, was read a second time, and referred to Committee on 16th Sections.

Mr. Adams presented the petition of E. G. Murray, which was referred to the Committee on Propositions and Grievances.

Mr. Walker presented the petition of Wm. H. Ketchum, of Mobile, relative to the administration on the estate of A. M. Creagh, which was referred to the Judiciary Committee.

On motion of Mr. Cooper, the bill to incorporate the Montgomery Law School, and to make it the Law Department of the University of the State, was taken from the general orders and read a second time.

On motion of Mr. Tait, of Wilcox, the bill was referred to the Committee on the University, with instructions to report thereon as early as possible.

Mr. Hobbs, by leave, offered the following resolution:

*Resolved*, That the House will attend the address to be delivered in the hall of the House of Representatives, this afternoon at three o'clock, by Dr. L. C. Garland, President of the University of Alabama, on the subject of the University and general

education in Alabama, and that the Senate be invited to be present in a body.

Adopted.

The House proceeded to consider the message from the Senate, in regard to the elect on of State officers.

On motion of Mr. Clitherall, the House concurred in the amendment of the Senate to the House resolution, bringing on the election of State officers for the hour of 12 M. to-day, in so much as struck out the election of Secretary of State, but not as to the time indicated by the Senate, and ordered to the Senate.

On motion of Mr. Clitherall, the bill to amend section 399 of the Code, was taken from the Senate message, and the House concurred in the amendment of the Senate.

Mr. Lowe called for the yeas and nays.

Yeas 60, nays 19.

Yeas—Messrs. Adams, Aldridge, Bell, Bowen, Brooks, Brown, of Marion, Bryan, Burgess, Bush, Calhoun, Carlyle, Carter, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Flake, Forney, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hightower, Holley of Covington, Hudgins, Irby, Jack, Jones, Knox, Lane, Latham, Lloyd, McMurry, Meadows, Neal, Overall, Ramsey, Rice, Saffold, Seay, Seale, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, White, Wright.—30.

Nays—Messrs. Speaker, Bibb, Cary, Clayton, Davis, Forsyth, Gilchrist, Hale, Huckabee, Lowe, Musgrove, Oats, Parsons, Scott, Shepard, Tate of Macon, Walden of Morgan, Walker, Warren.—19.

On motion of Mr. Rice, the bill to exempt certain property from levy and sale, was taken from the general order and read a second time.

Mr. Clitherall moved to amend as follows: "or ungathered, after word growing."

Mr. Griffin of Jackson, moved to amend the amendment as follows:

*Provided*, Said crop is gathered within the usual time of gathering crops."

On motion of Mr. Goldsmith, the amendment of Mr. Griffin of Jackson was laid on the table.

A motion was made to lay the amendment of Mr. Clitherall on the table.

Lost.

The amendment was then adopted.

Mr. Clitherall moved to suspend the constitutional rule so as to give the bill a third reading forthwith.

Lost.

Mr. Hale moved to amend as follows :

*Provided*, That the provisions of this act shall not apply so as to exempt a growing crop from levy and sale beyond five hundred dollars in value ; and no debtor can retain, under the provisions of hereof, more than five hundred dollars in value of such crop exempt from levy and sale.

Mr. Hale entitled to the floor.

The House took a short recess.

House met.

Message from the Senate by Mr. Taul.

Senate, Dec. 12, 1859.

*Mr. Speaker* : The Senate recedes from the amendment made to the resolution of the House, proposing that the two Houses meet in joint convention this day, in the hall of the House of Representatives, at 12 o'clock M., for the purpose of electing a Controller of Public Accounts, State Treasurer, State Superintendent of Education, and Secretary of State, so far as proposes to elect a Secretary of State, for the 12th day of January next.

MICAH TAUL, Secretary.

Leave of absence was granted to Messrs. Hearin of Tallapoosa and Abney.

The hour of 12 o'clock M. having arrived—the Senate, by invitation, appeared within the hall of the House of Representatives, when the two Houses in joint convention proceeded to elect—

1st, A Controller of Public Accounts.

Mr. W. J. Green alone being in nomination, and having received all the votes given, viz: 106, was declared by the Speaker to have been duly and constitutionally elected Controller of Public Accounts for the term prescribed by law.

2nd, The election of State Treasurer.

Mr. Duncan B. Graham alone being in nomination, and having received all the votes given, viz: 108, was declared by Mr. Speaker to have been duly and constitutionally elected State Treasurer for the term prescribed by law.

3d. The election of Superintendent of Education.

Mr. Gabriel B. DuVal alone being in nomination, and having received all the votes given, viz: 108, was declared duly and

constitutionally elected by Mr. Speaker, for the term prescribed by law.

The Senate withdrew to its chamber and the House proceeded to consider the special orders, which—

On motion of Mr. Fielder, were suspended to allow the Committee on Local Legislation to report the following bill with amendments, which were adopted by the House.

The bill to locate permanently the seat of justice in Choctaw county, which—

On motion of Mr. Fielder, was read a third time under a suspension of the rule and passed, and ordered to the Senate.

The House resumed the consideration of the general orders, viz.

The bill to charter the Merchant's Bank of Alabama.

Mr. Parsons moved to amend as follows:

Add at the conclusion of the 31st line of 7th section, "*And, provided further*, That said bank shall receive on deposit, at par, the bills issued by all other banks chartered by authority of this State, so long as the banks issuing the bills offered for deposit continue to pay specie on demand, in redemption of their circulation."

Mr. Walker, to amend the amendment,

*Provided further*, That said other banks shall provide for the redemption of their issues in specie at the counter of the bank hereby incorporated.

Senate, 12th Dec., 1859.

*Mr. Speaker*: The Senate has passed bills which originated in the House with the following titles:

To incorporate the town of Newburn in Greene county;

To divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named;

To authorize the appointment of a general administrator and general guardian for Mobile county, and for other purposes;

To incorporate the Mobile and Ohio Telegraph Company;

To incorporate the Mobile Wine Company.

The Senate has rejected House bills:

To amend proceedings in chancery, &c.;

To amend section 3608 of the Code.

The Senate has originated and passed a bill to incorporate the Quitman Rifles in Pike county.

Mr. Rice moved to postpone the bill and amendments indefinitely.

When on motion of Mr. Rice the house adjourned until 10 o'clock to-morrow, Mr. Chambers being entitled to the floor.

TUESDAY MORNING, Dec. 13, 1859.

House met pursuant to adjournment, journal was read and approved.

Mr. Clitherall by leave of the house offered the following resolution:

*Resolved*, That, with the concurrence of the Senate, the two houses will meet together in the hall of the house of Representatives at the hour of 12 o'clock on to morrow 14th December for the purpose of electing an Attorney General of the State.—  
Adopted.

Mr. Hale, by leave, offered the following resolution :

*Resolved*, That a committee of three be appointed to act with a like committee on the part of the Senate to solicit a copy of the address delivered on yesterday before the two houses by Dr. Garland, President of the University of Alabama, and if procured five thousand copies thereof are hereby ordered to be printed for the use of the two houses; Messrs. Hale, Martin and Hobbs composed said house committee.

On motion of Mr. Starke the house concurred in the amendment of the Senate to the house resolution bringing on the election of Secretary of State on the 8th, and amended by the Senate by striking out the 8th and inserting the "15th."

#### CALL OF COUNTIES.

Bills were introduced by :

Mr. Chambers : to impose a tax on sale of goods, wares, and merchandise, manufactured or purchased in the State of Massachusetts.

Mr. Clayton : To require the Quarter Master General to furnish cadet muskets to the military school of Glennville in Barbour county.

Also, to compensate Seth Mabry, J. C. Harley, Aaron Willis, for money expended by them in arresting a fugitive from justice.

Mr. Davidson : to regulate the pay of petit jurors in Bibb county.

Mr. Warren : fixing the time for holding the circuit courts of Pike and Coffee counties, for the purpose of allowing the county of Coffee an additional week.

Mr. Walden, of Coosa : to amend section 1869 of the Code and for other purposes.

Also, to prevent free white persons from paying a poll tax.

Mr. Irby : to provide for the holding of coroners' inquests by justices of the peace in certain cases.

Mr. Flake: to amend section 3078 of the code.

Mr. Scott: to compensate F. H. Newman and other persons therein named for a post mortem examination in aid of public justice.

Mr. Overall: to authorize the issuance of civil process on sundries in certain cases.

Mr. Rice: to incorporate the Metropolitan Guards.

Mr. Ferrell: to authorize a certain person therein named to practice law.

Mr. Jones: to incorporate Nelborn's Academy in Russell county.

Mr. Seale: for the better regulation of trains on Railroads in the State of Alabama.

Mr. Ramsey: to allow tax assessors compensation for assessing the county taxes, also, to regulate the paying of witnesses before grand juries.

Mr. Carter: for the relief of Charles Hobbs of Talladega county.

Mr. Forney: for the relief of Washington C. McMahon.

Mr. Flake to locate permanently the seat of justice in Henry county;

Mr. Taylor: to incorporate the Prattville Grays in the county of Autauga, which bills were severally read and ordered to a second reading.

Mr. Cunningham: to authorize James H. Clanton to hire out the slaves of his wards in certain counties in Florida, was read; the constitutional rule being suspended, was read a second and third times, and passed.

Mr. Cunningham: to amend an act to incorporate the town Union Springs, which was read; the constitutional rule being suspended, was read a second time, and referred to the committee on corporations.

Mr. Lowe: to change the name of Margaret S. Olds to Margaret S. Kinney, and for other puposes, which was read;

Mr. Lowe moved to suspend the constitutional rule.

Lost.

The bill was then ordered to a second reading.

Mr. Brown, of Marion: to guard the general interest of the people of Alabama, which was read, and laid on the table.

Yeas, 53; nays, 32.

Yeas—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brooks, Bryan, Burgess, Bush, Calhoun, Carter, Cary, Chambers, Clapp, Clayton, Cowan, Cunningham, Dark Davidson, Davis, Easley, Ferrell, Fielder, Forsyth, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Talla-

poosa, Herman, Hobbs, Holley of Covington, Huckabee, Hudgins, Irby, Jones, Knox, Lane, Latham, Mabry, Oats, Rice, Saffold, Shepard, Sherrod, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Morgan, Walker, White.  
—53.

Nays—Messrs. Aldridge, Brown of Marion, Clifton, Clitherall, Cooper, Flake, Forney, Gibson, Gilchrist, Griffin of Jackson, Hardwick, Hightower, Jack, Lloyd, Lowe, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Scott, Seale, Smith of Coosa, Starke, Taylor, Thornton, Walden of Coosa, Warren, Wright.—32.

On motion of Mr. Davis, leave of absence was granted to Mr. Whitfield from yesterday, and to Mr. Davis to-day.

Mr. Ramsey presented the account of Robert C. Howie, which was referred to committee on accounts and claims.

On motion of Mr. Clitherall the house agreed that when it adjourned to meet at three P. M., to consider general orders.

Mr. Griffin, of Marshall: presented the account of White and Pfister, which was referred to committee on accounts and claims.

Senate, Dec. 13, 1859.

Mr. Speaker; the senate has originated, and passed a bill of the following title:

To amend an act, entitled an act, to incorporate the city of Eufaula.

M. TAUL, Secretary Senate.

On motion of Mr. Hobbs, the bill for the relief of Aaron H. Harlan and Joseph S. Johnson of Talladega county, was taken from the general order; read second time, and referred to committee accounts and claims.

On motion of Mr. Oats, the senate bill to revive an act therein specified and for other purposes, was taken from the general orders; read a second time; constitutional rule suspended; read the third time and passed, and ordered to the senate.

Mr. Hobbs from committee on education reported favorably to the bill;

To incorporate Woodland female institution in the county of Marion, ordered to be engrossed.

Mr. Mabry, from the committee on Banks and Banking reported favorably to the bill to provide for the payment of detached halves of bank bills, issued by the bank of the State of Alabama and branches: ordered to be engrossed.

Mr. Overall. from same committee, reported a substitute to



the bill, to prohibit the passage of bank bills issued in any other State, of a less denomination than five dollars.

Mr. Hardwick moved to lay the whole subject on the table.

Mr. Clitherall moved to postpone the consideration of the subject until January 9th, 1860, and make it special order for the hour of 12 o'clock.

Mr. Cooper moved to amend by adding 25th January: upon which motion

Mr. Clitherall demanded the yeas and nays; and the motion prevailed.

Yeas 43; nays 34.

Yeas—Messrs. Aldridge, Bell, Bibb, Bowen, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carter, Clapp, Clayton, Clifton, Cooper, Cowan, Dark Easley, Flake, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Hudgins, Jack, Jones, Lane, Latham, Lowe, Martin, Meadows, Musgrove, Seay, Seale, Shepard, Starke, Thornton, Walden of Coosa.

Nays—Messrs. Speaker, Adams, Bradley, Brooks, Clitherall, Cunningham, Davidson, Davis, Ferrell, Fielder, Gilchrist, Griffin of Jackson, Hale, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Huckabee, Mabry, Neal, Oats, Overall, Ramsey, Rice, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Morgan, Warren, Wright.

The hour of 12 o'clock arrived, there being a special order for the House, viz: The bill to incorporate the Merchants' Bank of Alabama, which,

On motion of Mr. Walker, was suspended until 12 o'clock tomorrow.

Mr. Brown of Marion, demanded the yeas and nays.

Yeas 40; nays 24.

Yeas—Messrs. Adams, Bowen, Bradley, Bush, Cary, Clapp, Clayton, Cooper, Cowan, Cunningham, Dark, Davis, Ferrell, Forney, Goldsmith, Hale, Hardwick, Hearin of Clarke, Huckabee, Hudgins, Irby, Jones, Knox, Latham, Lloyd, Lowe, Mabry, Martin, Musgrove, Neal, Oats, Overall, Ramsey, Scott, Smith of Lauderdale, Starke, Thornton, Walden of Coosa, Walker, Warren, White.

Nays—Messrs. Aldridge, Bell, Bibb; Brooks, Brown of Marion, Calhoun, Chambers, Easley, Flake, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hobbs, Lane, Meadows, Parsons, Rice, Saffold, Seale, Smith of Coosa, Walden of Morgan, Wright.

Mr. Scott, from committee on enrolled bills, reported the following as correctly enrolled, viz:

To incorporate the Mobile and Ohio Telegraph company ;  
 Incorporating the town of Newbern, in Greene county ;  
 To revive and amend the North-Western Railroad company ;  
 Authorizing the appointment of a general administrator and  
 general guardian for Mobile, and other purposes ;  
 To incorporate the Mobile wine company.

Mr. Speaker : I am instructed by his Excellency, the Governor, to deliver to the House of Representatives the within communications in relation to the LaGrange military academy ; also, the report of the trustees of the Alabama Insane Hospital.

W. PHELAN, Private Secretary.

Mr. Mabry, from committee on banks and banking, reported adversely to the bill to prevent the banks of other States from substituting their small notes as a circulation in this State for gold and silver coin.

When, on motion of Mr. Holley of Covington, the House adjourned.

#### AFTERNOON SESSION, Dec. 13, 1859.

House met pursuant to adjournment.

Engrossed bill to amend the law in relation to the emancipation of slaves was read three times.

Mr. Lowe moved to postpone the further consideration of the bill until 12 o'clock to-morrow.

Lost.

Mr. Lowe moved to amend by way of engrossed reyder.

On motion of Mr. Brown of Marion, the previous question was called, and sustained.

Mr. Brown of Marion, demanded the yeas and nays.

Yeas 39 ; nays 35 ;

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Brooks, Brown of Marion, Bush, Carter, Chambers, Dark, Ferrel, Flake, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Jones, Lane, Latham, McMurry, Meadows, Neal, Overall, Ramsey, Rice, Seale, Sherrod, Smith of Coosa, Warren, White, Wright.

Nays—Messrs. Speaker, Bowen, Bradley, Bryan, Calhoun, Cary, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Forney, Hobbs, Hudgins, Humphries, Irby, Jack, Knox, Lloyd, Lowe, Martin, Musgrove, Oats, Parsons, Saffold, Scott, Slater, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thornton, Walden of Coosa.

Mr. Lowe demanded the yeas and nays on the passage of the bill.

Yeas 58, nays 20.

The bill passed.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Cary, Chambers, Clapp, Clayton, Clitherall, Cunningham, Dark, Davidson, Easley, Ferrell, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Hudgins, Humphries, Irby, Jones, Knox, Lane, Latham, Lloyd Martin, McMurry, Neal, Overall, Ramsey, Rice, Saffold, Scott, Seale, Sherrod, Smith of Coosa, Tait of Wilcox, Thornton, Walden, of Coosa, Warren, White, Wright.—58.

Nays—Messrs. Speaker, Carter, Clifton, Cooper, Cowan, Davis, Flake, Forney, Hardwick, Hobbs, Jack, Lowe, Meadows, Musgrove, Oats, Parsons, Slater, Tate of Macon, Taylor, Walden of Morgan.—20.

Mr. Chambers moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Mr. Lowe moved to postpone the motion to reconsider until the 9th day of January, 1860.

Mr. Warren moved to adjourn until 10 o'clock to-morrow.

Mr. Brown of Marion, called for the yeas and nays.

Lost.

Yeas 28, nays 46.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell, Carter, Clapp, Clifton, Cowan, Dark, Davidson, Davis, Fielder, Forney, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hightower, Holley of Covington, Knox, Lowe, Meadows, Slater, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Warren.—28.

Nays—Bradley, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Cary, Chambers, Clitherall, Cooper, Cunningham, Ferrell, Flake, Fountain, Gibson, Griffin of Dale, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hudgins, Irby, Jack, Jones, Lane, Latham, Lloyd, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seale, Sherrod, Starke, Thornton, Walden of Coosa, Walden of Morgan, White, Wright.—46.

Mr. Lowe moved a call of the House, and demanded the yeas and nays on the motion.

Yeas 3, nays 73.

Lost.

Yeas—Messrs. Davis, Lowe, Sherrod.—3.

**Nays**—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Carter, Cary, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Ferrell, Fielder, Flake, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Hudgins, Humphries, Irby, Jack, Jones, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Saffold, Scott, Seale, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Warren, White, Wright.—73.

Question then was on Mr. Lowe's motion to postpone ; when Mr. Davis moved to adjourn until 10 o'clock to-morrow.

Mr. Lowe demanded the yeas and nays.

Lost.

Yeas 26, nays 49.

**Yeas**—Messrs. Speaker, Adams, Bell, Bowen, Brooks, Carter, Davidson, Davis, Fielder, Forney, Griffin of Jackson, Hearin of Clarke, Hightower, Hobbs, Humphries, Jack, Lowe, Martin, Musgrove, Parsons, Ramsey, Saffold, Sherrod, Slater, Smith of Coosa, Tait of Wilcox, Taylor, Walden of Morgan.—26.

**Nays**—Messrs. Aldridge, Bibb, Bradley, Brown of Marion, Bryan, Bush, Calhoun, Chambers, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Ferrell, Flake, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Holley of Covington, Hudgins, Irby, Jones, Knox, Lane, Latham, Lloyd, Mabry, McMurry, Meadows, Neal, Oats, Overall, Rice, Scott, Seale, Starke, Tate of Macon, Thornton, Walden of Coosa, Warren, White, Wright.—49.

Mr. Chambers, by leave, withdrew his motion to reconsider and lay that motion on the table.

Mr. Clitherall renewed the motion of Mr. Chambers, and subsequently withdrew it.

Mr. Lowe then withdrew the motion to postpone until the 9th of January, 1860.

Mr. Knox moved to adjourn until 10 o'clock to-morrow.

Lost.

Yeas 38, nays 41 ; called on Mr. Clitherall's demand.

**Yeas**—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brown of Marion, Bryan, Calhoun, Carter, Clapp, Cowan, Cunningham, Davidson, Davis, Fielder, Flake, Forney, Griffin of Jackson, Griffin of Marshall, Hightower, Hudgins, Humphries, Irby,

Jones, Knox, Lane, Lowe, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Seale, Slater, Smith of Coosa, Tate of Macon, Tait of Wilcox.—38.

Nays—Messrs. Aldridge Brooks, Bush, Cary, Chambers, Clayton, Clifton, Clitherall, Cooper, Dark, Ferrell, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hobbs, Holley of Covington, Jack, Latham, Lloyd, Mabry, Martin, McMurry, Oats, Rice, Saffold, Scott, Sherrod, Starke, Taylor, Thornton, Walden Coosa, Walden of Morgan, Warren, White, Wright.—41

Mr. Oats offered the following rule which lies over one day :

*Resolved*, That there shall elapse 15 minutes between all calls to adjourn.

Senate bill to exempt certain property from levy and sale.

Question being on the adoption of the amendment offered by Mr. Hale on yesterday.

Mr. Walden of Coosa, moved to amend the amendment as follows :

*Provided*, Nothing in this act shall be so construed as to affect the debts due to blacksmith's for blacksmith's work done by them for the defendant.

When on motion of Mr. Clitherall, the House adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, 14th Dec., 1859.

House met pursuant to adjournment.

Journal was read and approved.

Messrs. Smith of Lauderdale, and Herman obtained leave to record their votes in favor of the passage of the bill to amend the law in relation to the emancipation of slaves.

Message from the Senate.

Senate, 14th Dec., 1859.

Mr. Speaker : The Senate concurs in the resolution of the House proposing that a committee of three on the part of each House be appointed to solicit a copy of the address delivered on the 12th instant, by Dr. L. C. Garland, before the two houses, and if procured that five thousand copies of the same be printed for the use of the legislature. Messrs. Jackson, McIntyre, and McSpadden, compose the committee on the part of the Senate.

The Senate also concurs in the resolution of the House proposing that the two Houses meet in joint convention on the 14th instant, at 12 o'clock, for the purpose of electing an Attorney General for the State.

The Senate has amended as therein shown, the House bill, To incorporate the Montgomery and Eufaula Railroad Company;

The Senate has originated and passed joint resolutions, calling a convention in a certain contingency in the election of a President of the United States.

MICAH TAUL,  
Secretary Senate.

The report of the Trustees of Alabama Insane Hospital, heretofore laid before the House by the Governor, was read and referred to Committee on Insane Hospital.

Also, the communication of Col. J. W. Robertson, Superintendent of the Lagrange Military Academy, was read and referred to the Joint Military Committee of both Houses of the General Assembly—on motion of Mr. Oats.

The communication of the Governor on the above reports was also read.

Mr. Oats moved to print 150 copies of the communication of Col. J. W. Robertson, which motion was lost.

On motion of Mr. Walker, the call of counties was suspended to allow committees to make reports, and not to consider those already on the table.

On motion of Mr. Hale, the Senate bill to amend the charter of the town of Demopolis, and confer additional power on the corporate authorities of said town, was read the second time and referred to the Committee on Corporations.

Mr. Irby, from Committee on Ways and Means, reported favorably on the Senate bill, authorizing the qualified voters of each county to elect a tax assessor for the term of two years.

Mr. Clitherall moved to amend as follows:

That from and after the expiration of the term of service of the present tax assessor, the tax collector then in office shall assess the taxes for the succeeding year, and his successor shall collect the assessment of his predecessor and assess for the succeeding year the tax—State and County, and so on, from year to year.

*Provided*, That no tax collector and assessor shall be eligible to re-election until after the lapse of a term.

Mr. Easley, to amend amendment, viz:

*Provided however*, That this act shall not apply to the county of Walker.

On motion of Mr. Clitherall, the bill and amendments were re-committed to the Committee on Ways and Means.

Mr. Irby from same committee, asked to be discharged from

the further consideration of the bill authorizing the qualified voters of Jackson County to elect a tax assessor for the term of two years.

House concurred in the report and ordered the bill to lay on the table.

Mr. Irby, from same committee, reported adversely to the bill requiring justices of the peace to furnish the tax assessors with a list of the names of each tax payer in their respective beats. Concurred in.

Mr. Irby, from same committee, reported favorably to the Senate bill—

“The better to secure the collection of certain taxes, which was ordered to a third reading.

Mr. Scott, from Committee on Enrolled Bills, reported bills—

For the relief of H. B. McVay, tax collector of Franklin county;

To authorize the Commissioners of Revenue of Mobile county, to make certain additions and improvements in the jail of said county;

To incorporate the Six Mile Male and Female Academy in Bibb county;

To amend the charter of the town of Greensboro' in Greene county, as correctly enrolled;

Mr. Irby, from Committee on Ways and Means, reported favorably to the Senate bill for the relief of E. B. Lott, tax collector of Mobile county.

Ordered to a third reading.

Mr. Irby, from same committee, reported adversely to the bill to regulate the mode of assessing and collecting the taxes of this State. Concurred in.

#### REPORTS FROM COMMITTEE ON LOCAL LEGISLATION.

Mr. Adams reported favorably to the bill to locate permanently the seat of justice in Washington county;

Mr. Clitherall reported favorably to the bills to amend the road laws in Jackson county;

Also, to regulate suits before justices of the peace in Marshall county;

To exempt justices of the peace and constables from working on roads in Randolph county;

To amend an act entitled an act to locate the county site of Winston county, approved 30th January, 1858;

For the preservation of game in the county of Sumter;

Mr. Adams reported a substitute to the bill to divide the

counties of Winston and Shelby into county commissioners' districts;

Adopted.

Mr. Adams reported a substitute to the bill to compel the county treasurer to keep his office within a mile of the Court House adopted;

Mr. Overall reported favorably to the bill providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county to build a new court house.

Which bills were severally read a third time and passed.

Mr. Clitherall reported favorably to the bill to incorporate the Breinvill Hotel Company of Mobile;

To authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes;

For the relief of the estate of Gray Little;

To make the city clerk of Mobile elective by the people;

And amendments to the bills—

To allow Samuel Crosbie and J. J. Bailey to erect fish-traps on Big Bear Creek in the county of Franklin;

For the relief of Thomas M. Hall and others of Sumter county;

Which amendments were adopted, and the several named bills ordered to be engrossed.

Mr. Clitherall reported favorably to the bill for the promotion of medical science in Alabama; which

On motion of Mr. Hale, was re-committed to the Committee on the University;

Mr. Adams reported adversely to the Senate bill to enable the administrator of the estate of Wm. Johnston, deceased, to remove the administration to the county of Tallapoosa;

Mr. Starke reported adversely to the bill to authorize John G. Ward of the county of Dale, to erect gates across a certain public road therein named;

House refused to concur in the report and the bill was read a third time and passed.

Mr. Overall reported adversely to the bill to authorize Wm. H. Neville of Sumter county to erect gates across a certain public road;

The House refused to concur in the report and the bill was read a third time and passed.

Mr. Walker, from Committee on Corporations, reported favorably to the bill to amend the laws relative to the Mobile Savings Company;

Mr. Clitherall moved to amend as follows:

*Provided*, That said Savings Bank shall not pay out in any



manner the bills of the banks of any State other than the State of Alabama, under the penalty of forfeiture of its charter.

Pending the consideration of the amendment, the hour of 12 M. arrived, when the Senate, by invitation, appeared within the hall of the House for the purpose of electing an Attorney General for the State.

When the two Houses, in joint convention, proceeded to the election of an Attorney General.

Marion A. Baldwin alone being in nomination, and having received all the votes given, viz: 108, was declared by Mr. Speaker to be duly and constitutionally elected Attorney General for the term prescribed by law. The Senate withdrew to their chamber.

Mr. Walden made the following report:

The joint committees of the two Houses of the General Assembly, appointed by the presiding officers of each house, as provided by section 34 of the Code, to examine the offices of Controller and Treasurer, report.

That they commenced the examination on the 25th of November, and closed on the 9th December, 1859. That they examined carefully the books and vouchers in the Controller's office, from the 30th September, 1857, to the 1st October, 1859, a period of two years, comparing the vouchers, with the entries thereof in the books, carefully casting up the footings, and testing the extensions. All of which were found correct. And that all the warrants drawn during the two fiscal years, were issued in pursuance of law.

Your committee find that the amount of receipts and disbursements during the time, embraced in this examination, as shown by the Controller's books, were as follows:

|   |                |
|---|----------------|
| Receipts during the fiscal year, ending the 30th September, 1858, were..... | \$ 764,648 87  |
| Add balance on hand as shown by report, 30th September, 1857,.....          | 1,635,214 80   |
| Making the aggregate sum of.....  | \$2,399,863 67 |
| Disbursements during same period,.....                                      | 2,028,527 93   |
| Balance on hand, 30th September, 1858,.....                                 | \$371,335 74   |
| Receipts during the fiscal year ending 30th September, 1859,.....           | \$945,900 16   |
|   | <hr/>          |
|   | \$1,317,235 90 |
| Disbursements during same time,.....  | 685,556 90     |
|   | <hr/>          |
| Showing balance, 30th September, 1859,.....                                 | \$631,679 00   |

Your committee would also report, that that they examined the Tax Ledger and General Ledger Accounts in the Controller's office, carefully comparing their aggregate footings with the tabular statements accompanying his printed report, for the two last fiscal years, and find them to correspond.

Your committee would also further report, that they examined into the condition of the account, kept in the Controller's office, of the Bank of Montgomery, and find deposited in said office as security, for the ultimate redemption of the notes or issues of said Bank, amounting to One Hundred Thousand Dollars; Ninety-six Alabama five per cent. Bonds, for One Thousand Dollars each, and one certificate of United States, six per cent. Stocks, for Ten Thousand Dollars, the State Bonds having been received on such deposit at ninety cents in the dollar, and the United States Stocks at par. They also find that since the Report of the Joint Committee made to the Legislature, at its last Session; in accordance with the Act, authorizing the same mutilated notes of said Bank, amounting to the sum of Seventy-one Thousand Three Hundred and Forty Dollars, have been destroyed by burning, as certified to by the Governor, Comptroller and President of said Bank, in conformity with an Act, approved 8th February, 1858, and that the new notes therefor have been countersigned by the Controller, and delivered to the Bank, for circulation, making its issues equal to its capital stock, One Hundred Thousand Dollars.

Your committee would also further report, that they examined into the condition of the Accounts of the Bank of Selma, established under the Free Banking Law, during the present year, which Account is also kept in the Controller's office, and find that there is deposited in said office by said Bank, as security for the ultimate redemption of its issues, amounting to One Hundred and One Thousand Dollars, Fifty-four Alabama five per cent. Bonds, for one Thousand Dollars each, and Forty-seven certificates of United States, five per cent. Stock, for one Thousand Dollars each, the said Bonds and Stock, being taken on such deposit at par; and for which the Controller has countersigned and delivered to said Bank, its Notes for circulation, making the sum equal to its capital stock, One Hundred and One Thousand Dollars.

Your Committee next proceeded to the Treasurer's office, where they examined all the Books and Vouchers of that Department, from the 40th of September, 1857, to 9th December, 1859, embracing a period of two years, one month and nine days, at which time they closed the examination, and count of all the money in the Treasury, by the Books of the Treas-

urer's office. Your Committee find that the receipts from all sources, during the fiscal year ending 30th September, 1858, were .....

That the balance in the Treasury, on the 30th September, 1857, was,.....

Making the sum of.....

That the disbursements during the fiscal year ending 30th September, 1858, including \$1,143,849 00 in notes of the State Bank and Branches *burned* as required by the Act of 22d January, 1858, were.....

To which should be added for warrant outstanding 30th Sept., 1857, and since paid,.....

Leaving balance in the Treasury 30th September, 1858,.....

That the receipts from all sources during the fiscal year ending 30th Sept., 1859, were.....

Making the sum of.....

That the disbursements during the fiscal year ending 30th September, 1859, including the sum of \$46,079 00 in the notes of the State Bank and Branches *burned* under the said Act, were.....

Leaving balance in the Treasury 30th September, 1859, .....

That the receipts from the 30th Sept., 1859, to the 9th of Dec. following have been.....

Making together on the 9th Dec., 1859, the sum of.....

That the disbursements from the 30th Sept., 1859, to the 9th December instant, have been.....

Showing the amount due 9th Dec., 1859,.....

Consisting of the following description of funds to-wit:

|   |               |
|---|---------------|
| Banks of Mobile, notes and certificates of deposit..... | \$ 202,730 53 |
| Commercial Bank, notes.....                             | 71,514 00     |
| Eastern Bank.....                                       | 59,635 00     |
| Northern Bank.....                                      | 20,455 78     |
| Bank of Montgomery.....                                 | 17,782 00     |

|  |               |
|--|---------------|
| Central Bank.....                          | 163,876 00    |
| Bank of Selma.....                         | 11,605 00     |
| State Bank and Branches.....               | 713 00        |
| Treasury warrants.....                     | 2,277 27      |
| Gold, \$78,401 82; Silver, \$1,703 85..... | 80,105 67     |
| Drawer Table, assorted.....                | 13,175 37     |
|  | <hr/>         |
|  | \$ 643,869 62 |

Your Committee also examined the Register of Bank notes destroyed by burning, as made in the Treasurer's Office under the act of the last Session, a work which must have cost much labor and perseverance, in its arrangement and preparation; and which appears to have been executed with a neatness and accuracy altogether satisfactory to the Committee and highly creditable to the officer discharging that duty. Your Committee find of the notes Issued by the State Bank and Branches the sum of \$1,189,928 00 has been registered and burned as required by said Act, that is to say, of the notes issued by the Bank of Alabama the sum of \$828,531 00; of the notes issued by the Branch Bank of Mobile, the sum of \$222,270 00; of the notes issued by the branch Bank at Decatur the sum of \$66,498 00; of the notes issued by the branch Bank at Montgomery, the sum of \$63,026 00, and of the notes issued by the branch Bank at Huntsville, the sum of \$0,603 00, shown by the register of said notes and the certificates of his Excellency, the Governor, and controller of public accounts.

Your Committee have likewise examined the special deposits, in half notes, current and uncurrent money, counterfeits, &c., made by the Commissioner and Trustee in the State Treasury as required by the act of the 6th Feb., 1858, and recommend that the Treasurer of the State be required to make such entries of said special deposits, half notes, current and uncurrent money, counterfeit notes, &c., "in the Register of Bank notes destroyed," as will show so far as can be ascertained the names of the original deposits, the general character of contents, the denomination of all bank notes found therein, and the several banks by which issued, distinguishing the whole from the half notes, &c., and destroy the same by burning as required by an Act approved 22d January, 1858, excepting only any specie funds which may be discovered by him; and that all bonds, letters, &c., found or contained therein be labelled, and filed by him in his office, for

which purpose your Committee report the accompanying bill and recommend its passage.

R. M. PATTON,  
Chairman Senate Committee.  
R. N. WALDEN,  
Chairman House Committee.

Which, on motion, was ordered to lie on the table, and print 1,000 copies for the use of the House.

Mr. Clitherall moved that when the House adjourns, it adjourn to meet at 3 o'clock P. M., to consider reports from committees.

Mr. Ramsey moved to amend by striking out "3" and inserting "4."

Lost.

The motion of Mr. Clitherall prevailed.

The House proceeded to consider the special order, viz.: the bill to incorporate the Merchants' Bank of Alabama.

Message from the Senate.

Senate, 14th Dec., 1859.

*Mr. Speaker:* The Senate has amended, as therein shown, and passed the House bill to further extend the times for payment of the balance of the debt due from the Mobile and Ohio Railroad Company to the State.

M. TAUL, Secretary.

When on motion of Mr. Rice the house adjourned until 3 o'clock P. M.

Yeas, 34; nays, 33.

Yeas—Messrs. Bibb, Calhoun, Dark, Ferrell, Flake, Fountain, Gibson, Gilchrist, Griffin of Jackson, Hale, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Hudgins, Humphries, Jones, Latham, Lloyed, Martin, McMurry, Meadows, Musgrove, Oats, Rice, Saffold, Seay, Seale, Sherrod, Smith of Coosa, Sturke, Taylor, Walden of Coosa, Warren.—Yeas 34.

Nays—Messrs. Speaker, Bell, Bradley, Bush, Carter, Cary Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Davidson, Forney, Forsyth, Griffin of Dale, Griffin of Marshall, Hardwick, Hubbard, Irby, Jack, Lowe, Mabry, Parsons, Ramsey, Shepard, Slater, Thornton, Walker, White, Wright.—33.

AFTERNOON SESSION, Dec. 14, 1859.

House met pursuant to adjournment.

Mr. Brown of Marion, moved to adjourn until 10 o'clock to-morrow.

Lost.

#### COMMITTEE ON CORPORATIONS.

Mr. Walker reported a substitute to the bill to regulate agencies of Insurance companies not incorporated by the State of Alabama.

Adopted.

Nr. Clitherall moved to amend as follows: *And be it further enacted*, that no such company as is named in the foregoing sections shall in any manner or any pretext deal in or pay out directly or indirectly the notes or bills of any bank not doing business under a charter from the State of Alabama or under its free banking laws, and any officer or agent of such company violating the provisions of this act is guilty of a misdemeanor, and on conviction shall be fined not less than five hundred dollars for each offence and the judges of the circuit courts must give this act officially in charge to grand juries.

Adopted.

Bill read three times when Mr. Hubbard demanded yeas and nays on the passage of the bill.

Yeas, 67 ; nays, 5.

Yeas—Messrs. Speaker, Abams, Aldridge, Bell, Bibb, Bradley, Burgess, Bush, Calhoun, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Dark, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins Humphries, Irby, Jack, Jones, Lane, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seale, Sherrod, Smith of Coosa, Starke, Tait of Wilcox, Taylor, Thornton, Walden of Morgan, Walker, White, Wright.—67.

Nays—Messrs. Brown of Marion, Clifton, Hubbard, Latham, Walden of Coosa.—5.

The bill passed.

Message from the Senate.

Senate Dec. 14, 1859.

Mr. Speaker: the Senate has adopted the following resolution:

*Resolved by the Senate*, (the house concurring,) That the door-keeper of each house be; and they are hereby requested to

Illuminate the Capitol on the evening of the 9th of January next at 6 o'clock P. M., until 12 o'clock P. M., of that day, and that a sufficient sum of money, be, and is hereby appropriated to discharge the expenses of said illumination.

M. TAUL, Secretary Senate.

Mr. Hale from committee on corporations reported an amendment to the bill to incorporate the Methodist Episcopal church, South, at Montgomery; amendment adopted.

Bill read three times, and passed.

Mr. Hale from same committee reported favorably to the Senate bill to incorporate book and tract societies of the Alabama Conference of the Methodist Episcopal church, South.

Mr. Chambers move to amend as follows: *Be it further enacted*, that the property, both real and personal, owned by said society and used in and about the business of said society shall be exempt from all taxation imposed by State, county or city authority.

Adopted.

The bill was read a third time, and passed.

Mr. Hale from same committee reported favorably to the bill to incorporate the Clintonville academy in Coffee county.

Mr. Brown of Marion moved to lay the bill on the table.

Lost.

The bill was read a third time and passed.

Mr. Hale from same committee reported favorably to Senate bill, to amend the charter of the town of Gainesville.

Mr. Brown of Marion moved to lay the bill on the table.

Lost.

The bill was read a third time, and passed; also, reported an amendment to the Senate bill to amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town.

Mr. Speaker Meek, (Mr. Irby in the chair,) moved to amend as follows: *Provided*, that every lawful voter of the State who has complied with the provision of this bill as to taxation shall be entitled to vote in any election under this act.

Adopted.

The house then adopted the amendment of the committee and the bill was read a third time, and passed.

Mr. Hale from same committee reported adversely to the bill to incorporate the Louina aedaemy in Randolph county Alabama, which was concurred in.

Mr. Hale from same committee reported favorably to the bill to authorize the city of Selma to subscribe for Railroad stock.

Mr. Ferrell moved the previous question, and the same was sustained.

Yeas, 39; nays, 30.

Yeas—Messrs. Speaker, Aldridge, Bell, Bradley, Brooks, Brown of Marion, Bush, Carter, Chambers, Clayton, Clitherall, Cooper, Forney, Gibson, Gilchrist, Griffin of Marshall, Hale, Hearin of Clarke, Hightower, Hobbs, Huckabee, Hudgins, Irby, Jones, Lane, Mabry, Musgrove, Oats, Overall, Parsons, Rice, Saffold, Scott, Seale, Thornton, Walden of Morgan, Walker, White, Wright.—39.

Nays—Messrs. Adams, Bryan, Burgess, Calhoun, Clifton, Dark, Davidson, Ferrell, Fountain, Griffin of Dale, Griffin of Jackson, Harwick, Herman, Holley of Covington, Humphries, Jack, Latham, Lloyd, Martin, McMurry, Meadows, Neal, Ramsey, Sherrod, Slater, Smith of Lauderdale, Starke, Tait of Wilcox, Walden of Coosa, Warren.—30.

The bill was read the third time and passed.

When on motion of Mr. Warren the house adjourned until 10 o'clock to-morrow.

THURSDAY, Dec. 15, 1859.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House sundry records of divorce, which were referred to Committee on Divorce and Alimony.

House proceeded to consider the bill to further extend the times for the payment of the debt due from the Mobile and Ohio Railroad Company to the State, which was read.

Mr. Starke called the yeas and nays, upon concurring in the Senate amendment.

Yeas 55, nays 18.

Concurred in and ordered to the Senate.

Ayes—Messrs. Speaker, Adams, Aldridge, Bell, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Flake, Forney, Forsyth, Gibson, Gilchrist, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hobbs, Holley of Tallapoosa, Hudgins, Irby, Lane, Mabry, Musgrove, Neal, Overall, Parsons, Ramsey, Rice, Saffold, Seay, Shepard, Sherrod, Slater, Smith of Lauderdale, Tate of Macou, Tait of Wilcox, Walden of Morgan, Walker, White, Wright.

Nays—Messrs. Calhoun, Dark, Fielder, Fountain, Griffin of Jackson, Herren of Tallapoosa, Holley of Covington, Humph-



ries, Jones, Latham, Lloyd, Martin, McMurry, Seale, Smith of Coosa, Starke, Walden of Coosa, Warren.

Mr. Rice moved to reconsider the vote by which on yesterday the House ordered 1,000 copies to be printed of the report of the joint committee of the two houses to examine the offices of Controller and Treasurer.

Carried.

The question then was on printing 1,000 copies.

Mr. Rice moved to amend by adding 10,000.

The motion prevailed.

Mr. Hale, from joint committee of the two houses, appointed to solicit a copy of the address delivered before the Legislature by Dr. S. C. Garland, President of the University of Alabama, for publication for the use of the two houses, have discharged that duty, and now report, that Dr. Garland has consented to comply with the request, and will place the same in the hands of the two houses in a few days.

WM. M. JACKSON, Chairman Senate Com.,

S. F. HALE, Chairman House Com.

Mr. Scott, from committee on enrolled bills, reported the following as correctly enrolled:

An act to further extend the times for the payment of the balance of the debt due from the Mobile and Ohio Railroad Company to the State;

And an act to repeal the law establishing commissioners' districts in the county of Walker;

An act authorizing an additional term of the chancery court of the county of Jackson;

An act to authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery;

An act to amend section 399 of the Code;

An act to incorporate the Mount Hebron Male and Female Academy, in Greene county;

On motion of Mr. Flake, the bill to locate permanently the seat of justice in Henry county, was taken from the orders and read a second time; constitutional rule suspended; read a third time, and passed.

On motion of Mr. Saffold, the business before the House was suspended to allow him to make two reports.

Mr. Saffold, from the committee on the Capitol, reported a bill to provide an executive mansion, etc., which was read, and on motion of Mr. Cooper, postponed until 28th January, 1860, and made special order for the hour of 12 o'clock.

Yeas, 52; nays, 30.

Ayes—Messrs. Adams, Aldridge, Bell, Bibb, Bradley, Brown of Marion, Bryan, Burgess, Calhoun, Cary, Clapp, Clifton, Cooper, Cowan, Dark, Davidson, Fielder, Flake, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Humphries, Jack, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Ramsey, Scott, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thornton, Walden of Coosa, Wright.

Nays—Messrs. Speaker, Brooks, Bush, Carter, Chambers, Clayton, Clitherall, Cunningham, Ferrell, Forney, Forsyth, Fountain, Gilchrist, Hale, Huckabee, Hudgins, Irby, Overall, Parsons, Rice, Saffold, Seay, Seale, Shepard, Starke, Tate of Macon, Walden of Morgan, Walker, Warren, White.

Mr. Saffold, from same committee, reported a bill to improve the Capitol grounds, which was read, and on motion of Mr. Speaker Meek, (Mr. Clitherall in the chair,) the constitutional rule was suspended and the bill read a second time; and on motion of Mr. Fielder, postponed until 28th January, 1860, and made special order for 12 o'clock of that day.

On motion of Mr. Adams, House proceeded to consider the bill to lay off and divide the State of Alabama into eleven judicial circuits.

Mr. Clayton moved to amend as follows: change the relative position of the counties, as named in second and eleventh circuits.

Mr. Seale moved to postpone the whole subject until the 14th January, 1860, and print 133 copies.

Mr. Huckabee called a division of the question, and the question was first upon a postponement.

Lost.

Yeas 38, nays 46.

The first branch of the motion having been disposed of the second could not come up.

Ayes—Messrs. Aldridge, Bibb, Brooks, Brown of Marion, Burgess, Carter, Clapp, Clifton, Cooper, Cowan, Fielder, Fountain, Gibson, Gilchrist, Griffin of Dale, Hardwick, Herman, Hightower, Holley of Covington, Huckabee, Humphries, Latham, Lloyd, Lowe, Martin, Musgrove, Parsons, Scott, Seay, Seale, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Taylor, Thornton, Walden of Coosa, Wright.

Nays—Messrs. Speaker, Adams, Bell, Bradley, Bryan, Bush, Calhoun, Cary, Chambers, Clayton, Clitherall, Cunningham,

Dark, Davidson, Easley, Ferrell, Forney, Forsyth, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Hobbs, Hubbard, Hudgins, Irby, Jack, Jones, Knox, Mabry, McMurry, Meadows, Neal, Overall, Rice, Saffold, Lane, Shepard, Starke, Tate of Macon, Tait of Wilcox, Walden of Morgan, Walker, Warren White.

Mr. Parsons moved to recommit the bill to the House joint committee, with instructions to report on to-morrow morning.

Mr. Hubbard called the previous question.

Lost.

Yeas 38, nays 48.

Mr. Lowe moved to postpone the bill until 9th January, 1860.

Lost.

The question then recurred upon the motion of Mr. Parsons.

Senate, Dec. 15. 1859.

*Mr. Speaker:* The Senate has passed the following bill which originated in the House:

For the relief of Louis White, of Blount county.

The Senate has originated and passed bills of the following titles:

To enable David Gardner, guardian of the minor heirs of H. Y. Chum, deceased, to remove the guardianship from the county of Morgan to the county of Madison;

To incorporate the Montgomery race course association;

For the relief of Lowell Jennings, late tax collector of the county of Morgan;

To amend and revive an act incorporating the town of Opelika, approved February 9th, 1859.

Also, a House bill to authorize James H. Clanton to hire out the slaves of his wards in certain counties in Florida;

House bills to divorce Elizabeth Lumley from her husband, and to divorce other persons therein named;

To divorce Dennis L. Hawthron from his wife, Sarah Ann Hawthorn; and to divorce other persons therein named;

To divorce Wesley M. Pinson from his wife, Susan A. Pinson; and to divorce other persons therein named;

Amended and passed a House bill to incorporate the South-western railroad company;

House bill amendatory of an act to incorporate the town of Troy, approved 4th February, 1843;

Amended and passed house bill to authorize John A. Lodor, of Dallas county, to pay over certain monies in his hands as administrator, belonging to unknown heirs or to the State.

M. TAUL, Secretary Senate.

Mr. Speaker: His Excellency, the Governor has approved bills which originated in the House of Representatives, of the following titles :

An act to amend the charter of the town of Cahaba ;

An act authorizing the commissioners of revenue of Mobile county, to make certain additions to, and improvements in the jail of said county ;

An act for the relief of H. B. McVey, tax collector of Franklin county ;

An act to incorporate the 6 mile male and female academy, in Bibb county ;

An act incorporating the Mobile wine company ;

An act to amend the charter of the town Greensboro, in Greene county ;

An act authorizing the appointment of a general administrator and general guardian for Mobile county, and for other purposes ;

An act to incorporate the the Mobile and Ohio telegraph company ;

An act incorporating the town of Newbern, in Greene county ;

An act to repeal an act to regulate the probate court of Franklin county ;

An act to revive an act therein specified, and for other purposes ;

An act to incorporate the Tennessee valley agricultural and mechanical association ;

An act to revive and amend the North-western railroad company.

W. PHELAN.

The hour of 12 o'clock having arrived, the Senate by invitation, appeared within the hall of the House, when the two houses in joint convention proceeded to the election of a Secretary of State.

Messrs. P. H. Brittain of Montgomery, Wm. H. McIver of Macon, and Samuel C. Dailey of Chambers being in nomination.

Those who voted for Mr. P. H. Brittain are, Messrs. Burnett, Cocke, Felder, Fleming, Heflin, Jackson, Jemison, Jones of Fayette, McSpadden, Staton, Stone Toulmin, Wood, Woodward, of the Senate ; Messrs. Aldridge, Bell, Bibb, Bradley, Brown of Marion, Calhoun, Carter, Clapp, Clifton, Clitherall, Cooper, Dark, Davidson, Easley, Ferrell, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Holley of

Covington, Huckabee, Hudgins, Humphries, Jack, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons Ramsey, Rice, Saffold, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Taylor, Walden of Coosa, Walden of Morgan, Walker, Warren, Wright, of the House.—72.

Those who voted for Mr. Wm. H. McIver are, Messrs. President, Brewer, Bullock, Calhoun, Chilton, Cleaveland, Griffin, Hill, Jones of Greene, Patton, Walker, of the Senate; Messrs. Speaker, Adams, Brooks, Bryan, Bush, Cary, Chambers, Cunningham, Flake, Forney, Gilchrist, Herren of Tallapoosa, Herman, Irby, Jones, Lowe, Scott, Smith of Coosa, Tate of Macon, Tait of Wilcox, of the House.—31.

Those who voted for Dr. Dailey are, Messrs. McIntyre, Mitchell, Rowe, of the Senate; Messrs. Bowen, Clayton, Fielder, Holley of Tallapoosa, Hubbard, Meadows, Thornton, of the House.—10.

Mr. Brittain having received a majority of all the votes given, was declared duly and constitutionally elected Secretary of State by Speaker, for the term prescribed by law.

The Senate withdrew to their chamber.

Leave of absence was granted to Messrs. Jones, Seale, Lowe, Calhoun, Sherrod, Mabry, Smith of Lauderdale, Oats and Martin.

The hour having arrived for which there was a special order, viz: The bill to incorporate the Merchant's Bank of Alabama, which, on motion of Mr. Rice, was postponed until the 9th Jan., 1860, and made the special order for the hour of 11 o'clock.

The general orders were suspended, when Mr. Clitherall offered the following resolution:

*Resolved*, That the use of the hall of the House of Representatives be tendered to the Democratic State Convention, on 11th January next, at 4 o'clock, P. M.

Adopted.

On motion of Mr. Chambers, the message from the Senate were taken up.

The Senate bill amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved 2nd Feb., 1858, was read.

Mr. Speaker (Mr. Irby in the chair,) moved to suspend the constitutional rule.

Carried.

The bill was read a second time and referred to committee of the delegation from Mobile.

The House bill amended by the Senate, authorizing the pro-

bate court of Mobile county to grant licenses for amusements, shows and exhibitions in said county. Was concurred in by the House.

The joint memorial from the Senate to the Congress of the United States, was read.

Mr. Adams moved to suspend the constitutional rule so as to read the joint memorial a second time, pending, which the House adjourned, on motion of Mr. Holley of Covington.

Yeas 38, nays 33.

Yeas—Messrs. Speaker, Aldridge, Bell, Bradley, Burgess, Calysle, Carter, Clapp, Clifton, Davidson, Flake, Gilchrist, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of C. Holley of T. Huckabee, Humphries, Jonas, Knox, Latham, Lloyd, Lowe, Morgan, Neal, Overall, Ramsey, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Taylor, Walden of Coosa, Walden of Morgan, Warren.—38.

Nays—Messrs. Adams, Bibb, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Cary, Chambers, Clayton, Cowan, Cunningham, Dark, Ferrell, Forney, Fountain, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Hubbard, Irby, Jack, Lane, Martin, Meadows, Oats, Rice, Saffold, Seale, Shepard, Thornton, Wright.—33.

FRIDAY, 16th Dec., 1859.

House met pursuant to adjournment.

On motion of Mr. Chambers, the reading of the journal was suspended to take up and consider the Senate messages.

Mr. Cunningham, by leave introduced joint resolutions instructing the joint committee on military affairs of the State to enquire into the expediency of appointing a commission to confer with similar commission of other slave States in regard to the establishment of a southern manufactory of arms, read first and second times, constitutional rule being suspended, and referred to the joint military committee of the two houses.

Mr. Parsons, by leave, reported from the Committee on State Banks and Branches, favorably to the bill for the relief of the heirs at law of Wm. Hason, deceased, late of Tuscaloosa county, which was read the third time and passed, and ordered to the Senate.

Mr. Scott, from Committee on Enrolled Bills, reported the following as correctly enrolled :

To divorce Wesley M. Pinson from his wife, Susan A. Pinson, and to divorce other persons therein named ;

For the relief of Lewis White, of Blount county ;

To divorce Elizabeth Lumley from her husband, Irwin Lumley, and to divorce other persons therein named ;

To authorize Jas. H. Clanton to hire out the slaves of his wards, in certain counties in Florida ;

Authorizing the probate court of Mobile county to grant licenses for amusements, shows, exhibitions in said county ;

To divorce Dennis L. Hawthorn from his wife, Sarah Ann Hawthorn, and to divorce other persons therein named ;

Amendatory of an act to incorporate the town of Troy, approved 4th Feb., 1843.

Mr. Starke, by leave, introduced a bill to give the intendent of Orion, justices jurisdiction, and for other purposes ; which was read ; constitutional rule suspended ; read a second time and ordered to be engrossed.

Mr. Ramsey, by leave, presented the petition of citizens of Wilcox county ; which was referred to the Committee on the Military.

Mr. Tait of Wilcox, by leave, introduced a bill to incorporate the Wilcox Dragoons ; which was read ; constitutional rule suspended ; read a second time and referred to joint military committee of both houses.

Mr. Griffin of Jackson, from Committee on Divorce and Alimony, reported a substitute to the bill for the relief of Miranda Watson, which was adopted, read three times and passed ;

Also, reported a substitute to the bill for the relief of Martha Ann Shaw, which was adopted, read three times and passed ;

The Senate bills :

For the relief of Nathaniel J. Nettles of Monroe county ;

To amend an act entitled an act to incorporate the city of Eufaula ;

To amend and revive an act incorporating the town of Opelika, approved 9th February, 1854 ;

To incorporate the Montgomery Race Course Association ;

For the relief of Lowell Jennings, late tax collector of Morgan county ;

To make David Gardner guardian of the minor heirs of Matthew F. Chum, deceased ;

To remove the guardianship of said heirs from the county of Morgan to the county of Madison ; were severally read and ordered to a second reading.

The Senate joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, was adopted.

The Senate bill to prevent the Northern Bank of Alabama, at Huntsville, from paying out the notes of banks of other

States, was read, the constitutional rule was suspended, read the second time, and made the special order for the hour of 12 o'clock, on the 14th January next.

Senate bill authorizing the Governor to loan arms and accoutrements to Paul W. Dodson, Principal of the Tuskegee Collegiate Institute in the county of Macon, read the first and second time, under a suspension of the constitutional rule, and referred to the Military Committee.

Senate bill to amend an act to authorize the trustees of T. 14, R. 13, to collect notes due said Township, which bill was read the first, second, and third times, under a suspension of the constitutional rule and passed.

The Senate bill to incorporate the Quitman Rifles in Pike county, was read the first and second times and referred to the Military Committee.

Senate bill amending the road laws of Coosa county, was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

House bills amended by the Senate and concurred in by the House of Representatives:

To divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named;

To incorporate the Montgomery and Eufaula Railroad Company;

To incorporate the South-Western Railroad Company;

To authorize John A. Lodor to pay over certain moneys in his hands, as administrator, belonging to unknown heirs or to the State;

Joint resolutions from the Senate, calling a convention in a certain contingency, in the election of a President of the United States—which was read.

On motion of Mr. Rice, the constitutional rule was suspended and the joint resolutions were read a second time.

Mr. Rice moved to suspend further, so as to read the joint resolutions a third time.

Some discussion arose on a further suspension, when Mr. Rice withdrew his motion, and the joint resolutions were referred to the Committee on Federal Relations.

On motion of Mr. Walker, the bill to improve the Bay and Harbor of Mobile, was taken from the table and made the special order for 12 o'clock M, on the 16th of January next.

On motion of Mr. Walker, the bill for the relief of E. B. Lott, was read the third time and passed.



Senate, Dec. 16, 1859.

*Mr. Speaker:* The Senate has passed House bills of the following titles:

To ascertain the sense of the people of Jackson county, in regard to the permanent location of the county site, and to provide for building a court house and jail;

To locate permanently the seat of justice in Choctaw county;

To authorize the Court of County Commissioners of Marshall county, to levy a special tax for the relief of certain persons therein named;

For the relief of John P. Gates of Pickens county;

To repeal an act therein named;

To make the official bond of the tax collector operate as a lien on his property for the county revenue;

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county;

To authorize the city of Selma to subscribe for Railroad stock;

For the benefit of the Supreme Court and State Libraries;

For the relief of Miranda Watson;

For the relief of Martha Ann C. Shaw of Coosa county;

Amended as therein shown and passed.

The House bill to compensate E. C. Greene;

Also, originated and passed bills of the following titles:

To incorporate the New Harmony Male and Female Academy in the county of Chambers;

To prevent the sale of liquor in the town of New Lexington, and in beat No. 2, west of North River in Tuscaloosa;

To incorporate the Palmyra Female Academy in Barbour county;

To amend section 1136 and 1137 of the Code of Alabama, as to the county of Mobile;

To prevent the adulteration and sale of adulterated liquors;

To authorize the completion and printing of the Revenue Laws;

To regulate the working of a certain public road.

MICAH TAUL, Secretary.

The House concurred in the amendment of the Senate, to the bill to compensate E. C. Green.

On motion of Mr. Cooper, the bill to prevent the sale in the town of New Lexington of vinous or spirituous liquors, &c., was taken from the Senate, read the first, second, and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Clayton, the bill to incorporate the Pal-

myra Female Academy in Barbour county, was taken from the Senate message, read first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Hale, from Committee on Corporations, reported amendment to the bill to incorporate the Mountain Railroad Company ;

Mr. Hale, from same committee, reported an amendment to the bill to incorporate the Eutaw Insurance Company ;

Adopted.

Mr. Tait moved to amend further, viz:

*" Provided, That it shall not be lawful for said company to deal in any way in the bills of foreign banks, or any bank not doing business under the authority of the State of Alabama, or use the same in the transaction of its business, or to pay the same out; and any violation of this provision shall be cause of forfeiture of its charter."*

Mr. Cooper moved to amend further, viz:

*" Provided further, The said company shall not pay out in its business, the bills of any bank under the denomination of five dollars, under a penalty of a forfeiture of its charter."*

Which amendment, on motion of Mr. Hale, was laid on the table.

The amendment of the committee and the amendment of Mr. Tait were adopted.

Mr. Hale, from same committee, reported an amendment to the bill to revive and amend the act incorporating the Broad Street hotel company of Selma.

Adopted.

The bills were then severally read the third time and passed.

Mr. Hale, from same committee, reported adversely to the amendment of Mr. Clitherall, to the bill to incorporate the Pike county Insurance company; also adversely to the same amendment to the bill to incorporate the Jacksonville insurance company; and recommended the passage of the bills without amendment.

Made the special order for the 10th January, 1860, at 12 o'clock.

Mr. Griffin of Marshall, from same committee, reported favorably to the bill incorporating the town of Girard, in Russell county.

The bill was read a third time and passed.

Mr. Forney, from Committee on University, reported an amendment to the bill to incorporate the Montgomery law school and to make it the law department of the University of Alabama. Adopted.

The bill was read a third time and passed.

Mr. Forney, from same committee, to which was referred a certain resolution enquiring into the expediency of attaching a military professorship to the University of the State, and reported a bill which was read first and second times under a suspension of the constitutional rule, and referred to committee on joint committee on military affairs.

Mr. Forney, from same committee, reported the resolution to enquire into the expediency of paying 8 per cent. per annum upon the University and 16th section funds, and into the expediency of setting apart 3 per cent. of the net aggregate amount of revenue collected by the State, for the increase of the school fund, back to the House and recommend its reference to the committee on education; concurred in.

Mr. Rice, from judiciary committee, reported favorably to the bill to authorize Robert Dougherty, trustee, to sell a portion of the trust estate, and to invest the funds of such sale.

Read a third time and passed.

Mr. Walker, from same committee, reported an amendment to the bill to amend the merchants' lien law of Dallas.

Adopted.

On motion of Mr. Walden of Coosa, the word Coosa was added.

The bill was read a third time and passed.

The caption was amended as follows: "of Dallas and Coosa counties.

Mr. Clayton, from the joint committee of the two Houses, to whom was referred the joint resolution providing for the security and protection of said State by arming and disciplining the citizen soldiery thereof, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage. It may not be improper to state here, that whilst there has existed a difference of opinion in the minds of the committee in respect to some of the provisions of the bill, in view of the magnitude of the subject and the impending necessity of the object sought to be attained apparent to every patriotic citizen, the members of the committee have waived their individual differences and make the report unanimous.

The committee have also considered the expediency of establishing a manufactory of arms, at some suitable point in the State, and are unanimously of the opinion that such should be done; and also that there should be established a powder mill, and manufactory of all the munitions of war.

Your committee are further of the opinion that there should

be established a State military academy, but have these subjects for a separate report.

The bill to provide for an efficient military organization of the State of Alabama, was read first and second times under a suspension of the constitutional rule.

Mr. Irby moved to lay the bill on the table, and print 500 copies.

Mr. Rice moved to amend by printing 3,000.

Lost.

Mr. Rice moved to print 2,000 copies.—Carried.

And the bill was ordered to lie on the table, and print 2,000 copies.

Mr. Aldridge, from committee on accounts and claims, reported the petition of sundry citizens of Autaugaville back to the House, and recommended its reference to committee on corporations; concurred in.

Mr. Griffin of Marshall, from committee on accounts and claims, reported a bill to pay the account of White, Pfister & Co., which was read first and second times under a suspension of the constitutional rule, and passed.

Mr. Lane, from same committee, reported favorably to the bill for the relief of Daniel G. Mays, tax collector of Greene county, which was read a third time and passed.

Mr. Gibson, from same committee, reported an amendment to the bill for the relief of Reese Price, of Marengo county, which was adopted, and bill read a third time and passed.

Leave of absence was granted to Messrs. Griffin of Dale, Fountain, Knox, Cary and Warren.

Mr. Gibson, from same committee, reported a substitute to the bill to compensate B. & M. Haddox, which was adopted, and read the third time and passed.

Mr. Bush, from same committee, reported adversely to the petition of Green Brown; concurred in.

Mr. Shepare moved that when the House adjourn it adjourn for the recess.

Yeas 36; nays 39.

Yeas—Messrs. Adams, Bell, Bowen, Brooks, Carter, Clapp, Cowan, Cunningham, Forney, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Hobbs, Holley of Tallapoosa, Hudgins, Irby, Neal, Ramsey, Saffold, Shepard, Tate of Macon, Tait of Wilcox, Walker.

Nays—Messrs. Speaker, Aldridge, Bradley, Brown of Marion, Bush, Cary, Chambers, Clayton, Clifton, Clitherall, Cooper, Dark, Ferrell, Fielder, Flake, Gibson, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hucka-

bee, Humphries, Jack, Lane, Latham, Lloyd, McMurry, Meadows, Overall, Rice, Scott, Slater, Smith of Coosa, Starke, Taylor, Thornton, Walden of Coosa, Wright.

On motion of Mr. Irby the bill making appropriations to pay members and officers of the General Assembly was read a second and third times, and passed.

Mr. Chambers, by leave, introduced bills to amend an act incorporating the male and female academies at Glennville, in Barbour county ;

Also for the relief of certain persons therein named, which were severally read the first time, and ordered to a second reading.

*Mr. Speaker :* His Excellency, the Governor, has approved bills which originated in the House of the following titles :

An act authorizing the Probate Court of Mobile county to grant licenses for amusements, shows and exhibitions in said county.

An act to divorce Dennis L. Hawthorn from his wife, Sarah Ann Hawthorn, and to divorce other persons therein named ;

An act authorizing an additional term of the chancery court in the county of Jackson ;

An act to authorize the executors of J. J. Stewart, deceased, to remove the administration of said estate from the county of Lowndes to the county of Montgomery.

An act incorporating the Mount Hebron male and female academy in Greene county.

An act to amend section 399 of the Code.

An act to repeal the law establishing commissioners' districts in the county of Walker.

An act to further extend the times for payment of the balance of the debt due from the Mobile and Ohio Railroad to the State.

An act to authorize James H. Clanton to hire out the slaves of his wards in certain counties in Florida.

An act to divorce Elizabeth Lumley from her husband Irvin Lumley and to divorce other persons therein named.

An act to divorce Wesley M. Pinson from his wife, Susan A. Pinson, and to divorce other persons therein named.

An act for the relief of Lewis White of Blount county.

An act amendatory of the act to incorporate the town of Troy, approved 4th February, 1843.

Mr. Overall, by leave, introduced a bill more effectually to prevent the circulation of books newspapers, and pamphlets in

this State, calculated to incite slaves or free persons of color to discontent, insurrection, or rebellion, which was read.

Constitutional rule suspended and read a second time, pending the further consideration of said bill.

The house adjourned until 10 o'clock to-morrow morning, on motion of Mr. Forney.

SATURDAY, Dec. 17, 1859.

House met pursuant to adjournment.

On motion of Mr. Cooper the reading of the journal was dispensed with.

Mr. Cooper moved to take recess.

Lost.

On motion of Mr. Adams, the roll was called and the following members answered to their names :

Messrs. Speaker, Adams, Bibb, Bradley, Brooks, Brown of Marion, Bush, Cary, Clayton, Clitherall, Cooper, Dark, Ferrell, Fielder Flake, Forney, Gilchrist, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Huckabee, Humphries, Jack, Lane, Latham, McMurry, Meadows, Overall, Parsons, Rice, Saffold, Scott, Slater, Smith of Coosa, Taylor, Walden of Coosa and Wright—41.

No quorum present.

Mr. Forney moved to take a recess until one minute to 12 o'clock, which motion was declared by Mr. Speaker, (Mr Clitherall in the chair,) to be out of order as the hour of 12 o'clock had already arrived, and the House stood adjourned under the resolution until 10 o'clock on the 9th day of January, 1860.

MONDAY, 9th January, 1860.

House met pursuant to adjournment.

The Journal of 17th December, 1859, was read and approved.

The roll was called and the following members answered to their names :

Messrs. Speaker, Adams, Bell, Bibb, Bradley, Brooks, Brown of Marion, Bryan, Bush, Bowen, Carter Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hubbard, Hudgins, Hale, Hardwick, Herman, Hightower, Holley of Tallapoosa, Knox, Latham, Lesueur, Lowe, Mabry, Martin, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Scott, Seay, Seale, Shepard, Smith of Lauderdale, Smith of Coosa, Starke, Thornton, Walden of Morgan, Walker, Warren, White Wright.

Quorum present—58.

Mr. Speaker laid before the House a record of divorce, which was referred to committee on divorce and alimony.

Mr. Parsons, by leave introduced a bill to change the times of holding the chancery courts in the 37th district in the northern division, which was read; the constitutional rule being suspended, was read a second and third times and passed, and ordered to the Senate.

The House then concurred in the Senate resolution to illuminate the capital this evening from 6 o'clock to 12 o'clock.

#### CALL OF COUNTIES.

Bills were introduced by:

Mr. Seay: for the relief of the heirs of Thomas Brown, deceased, late of Fayette county;

Mr. Overall: for the relief of Richard T. Starr, of Mobile;

Also, to authorize notaries public in the city of Mobile, to deposit notices of protest in the post office;

Mr. Ramsey: to incorporate the Gainesville Rifles;

Also, for the relief of F. H. Mellard, of Barbour county;

Which bills were severally read and ordered to a second reading;

Mr. Clitherall, by leave, offered the following resolution:

*Resolved*, That the Senate be informed that the quorum of the House having assembled, the House is now ready to proceed to business.

Adopted.

Mr. Clitherall: for the benefit of the legatees of James Ed-  
dins, deceased, of Pickens county;

Mr. Martin: to amend an act, approved 16th Dec., 1851, to regulate the sale of spirituous liquors in the town of Elyton;

Which bills were severally read the first, second and third times, under a suspension of the constitutional rule and passed.

Mr. Lowe: to amend an act to incorporate the town of Huntsville;

Also, to incorporate the Huntsville gas company; which bills were read; the constitutional rule suspended, read a second time and severally referred to the Committee on Corporations;

Mr. Starke: to restrict peddling in the State; read, constitutional rule being suspended, read a second time, and referred to the Judiciary Committee;

Mr. Lowe, presented the petition of Daniel K. Hunter for the repayment of money expended by him for the State; which was referred to Committee on Propositions and Grievances;

Mr. Hale presented the petition of sundry citizens of Greene county; which was referred to Committee on Corporations;  
 Message from Senate by Mr. Taul.

Mr. Speaker: The Senate has originated and passed bills with the following titles:

To revive and amend an act to incorporate the West Point, Georgia and Tennessee railroad company;

To incorporate the LaFayette insurance company;

To incorporate the trustees of Hopewell seminary;

To authorize the court of county commissioners of Franklin county to build a bridge in the incorporation of Tuscumbia;

To require tax assessors and collectors to prepare and furnish assessment lists to the tax payers;

To revive and amend the charter of the Greensboro Cavalry Company;

To enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes;

To authorize the Georgia Western railroad company to construct their railroad from the Georgia line through the county of Calhoun to the town of Oxford, or Jacksonville, on the Alabama and Tennessee rivers railroad;

To provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code;

For the relief of Burrell Johnson, tax collector of Perry county;

To incorporate the Central warehouse company;

To amend the law in relation to trading with slaves;

To incorporate the Greenville insurance company, in the county of Butler;

To enlarge the powers of registers in chancery;

To declare Omursa creek in Henry, and other streams in Mobile, public highways;

To regulate the interest on the 16th section and State University funds;

To authorize the execution of a deed to R. S. Heflin, by the Governor.

The Senate has amended and passed the House bill to incorporate the Fayetteville and Columbus railroad company.

On motion of Mr. Clitherall, the House proceeded to consider bills on the second reading.

Bills on second reading:



To authorize a certain person therein named to practice law, was read a second time.

Mr. Bradley moved to amend as follows: Sec. 2. That Wm. B. Lawson of the county of Perry, is hereby authorized to enjoy the rights and privileges of an attorney at law; which was referred to the judiciary committee.

House bill to amend section 1869 of the Code and for other purposes;

To provide for the holding of coroners' inquests by justices of the peace in certain cases;

To amend section 3078 of the Code;

To authorize the issuance of civil process in certain cases;

For the better regulation of trains on railroads, in the State of Alabama;

To regulate the paying of witnesses before grand juries;

For the concurring of the General Assembly of the State of Alabama;

To collect cost in criminal cases;

To amend the law in regard to security for costs in certain cases;

To enable free negroes to become slaves;

For the better regulation of the several banks chartered by this State;

More effectually to secure the secrecy of the grand jury;

To extend the jurisdiction of the probate court;

To repeal section 110 of the code;

To require the probate court and the clerk of the circuit court to file a newspaper in their respective offices;

To define the duties of sheriffs, and regulating their fees in certain cases;

To transfer the county of Covington to 7th chancery district of southern chancery division;

To amend the criminal law of this State;

For the relief of certain persons therein named;

To enable the executor and executrix of the last will and testament of H. V. Nooton, deceased, to invest the accumulated funds of said estate in personal and real estate;

To amend section 1022 of the Code;

To expedite the trial of criminal cases;

To authorize the executors of Josiah Morris, deceased, late of Sumter county, to make titles to certain lands;

To prevent frivolous defences to actions at law;

To amend section 2235 of the Code;

To regulate the bringing of suits against common carriers, and other purposes;

To amend section 1747 of the Code;

To prevent the sale of lottery tickets in this State;

To authorize the representatives of estates to perfect titles for real estate sold by them after final settlement, and to correct errors, etc., in petition;

To amend section 2005 of the Code;

To regulate the pay of jurors in cases of change of name;

To alter and amend section 3274 of the Code;

To change the law relative to the opening of depositions;

For the relief of Jno. E. McCready;

To modify section 3296 of the Code;

To amend the constitution.

Joint resolutions:

To amend section 2318 of the Code;

To amend section 3133 of the Code;

To repeal an act therein named;

To amend section 775 of the Code;

To regulate and define the duties of tax payers in Butler county;

To enable M. M. George to remove her infant ward, A. El-lerbie English, beyond the limits of this State;

To repeal a certain section of the Code of Alabama therein named;

To regulate the taking of affidavits in aid of judicial proceedings;

To require every voter to cast his vote in the general election in this State within his own beat, or at the place nearest his own residence;

To amend section 2575 of the Code;

To enable Ned Adkins, a free man of color, to become a slave;

To regulate the duties of the probate court in Greene county;

Senate bills:

To repeal an act to compel the personal attendance of witnesses in civil cases;

To authorize the judges of the circuit courts to preside in their own circuits, without interchanging with each other;

More effectually to prevent the crime of incest;

To amend section 1255 of the Code, and also the act amendatory thereof, approved February 20th, 1854;

Amendatory of the act approved 12th December, 1857;

To prevent the game of Keno;

More effectually to prevent burglary and enticing slaves away to a non-slaveholding State;

Which bills were severally read a second time, and referred to Judiciary Committee.

Senate bills:

To amend the charter of the La Grange College;

To incorporate the town of Montevallo;

To amend the charter of the North Alabama Telegraph Company; and

House bills:

To amend an act incorporating the male and female academies at Glennville, Barbour county;

To incorporate Nellborn Academy, in Russell county;

To amend the charter of the Mobile marine, dock and mutual insurance companies;

To incorporate the Perote male and female high school;

To revive an act incorporating the Bibb county steam mill company;

To incorporate the Grove Hill male and female academies;

To incorporate the male and female academy in Walker county;

To incorporate the town of Pikeville, in Marion county;

To incorporate the town of Perote, in Pike county;

To renew and amend the charter of the Merchants' Insurance Company, of the city of Mobile;

To amend the charter of the city of Selma;

Were severally read a second time, and referred to committee on corporations.

The House bills:

To regulate the law retailing vinous or spirituous liquors;

To amend section 397 of the Code;

For the relief of certain persons therein named;

To exempt free white persons from paying a poll tax;

To allow tax assessors compensation for assessing the county tax;

To raise the license on hawkers and pedlars in the county of Autauga;

For the relief of the securities of C. S. Collins, deceased, tax collector of Choctaw county;

Were severally read a second time, and referred to committee on ways and means.

Senate bill for the relief of Wm. J. Kennedy, was taken up, read the second time, and ordered to a third reading.

The bills:

To authorize the city council of Eufaula to indemnify subscribers to certain stock in the South-western Railroad of the

State of Georgia, and to purchase the right of way for the extension of said road to the depot in said city ;

To repeal a certain act therein named ;

To amend a certain act therein named ;

Were read the second time, the constitutional rule suspended, and passed.

To enlarge the provisions of section 1738 of the Code, was then considered.

Mr. Clitherall moved to strike out "so long as the woman remains unmarried."

Carried.

The bill was then read the second time, the constitutional rule suspended, and the bill passed.

House bills :

To repeal an act therein named ;

To repeal sections one and two of an act approved 30th January, 1858, repealing section two of an act approved February 1st, 1854, in reference to the pay of tales jurors in Macon county ;

To compel defaulters on road-working to render their excuse to the overseers of their respective roads within five days from the day of working ;

To prohibit the sale of spirituous or intoxicating liquors within one mile of Perryville Female Academy, in Perry county ;

For the relief of Wm. McConnell, of Wilcox county ;

To authorize Marion Crowell, of the county of Tallapoosa, to practice medicine, and charge for the same ;

To change the name of R. K. Coppinger to that of Rufus King ;

To regulate sheriffs' and coroners' sales in the county of Shelby ;

For the relief of M. J. Ledbetter, of the county of Franklin, and Green S. Cox, of the county of Barbour ;

To incorporate the Fair Mount Baptist Church, in Covington county ;

To change the name of Margaret S. Olds to Margaret S. Kinney ;

To regulate the pay of petit jurors in Bibb county ;

Were severally read a second time, and referred to committee on local legislation.

House bill to secure more efficiency in the working of roads in Sumter county, was read a second time and ordered to be engrossed.

House bills :

For the relief of Jno. Irwin ;

To authorize the trustees of township 16, of range 16, in Montgomery county, to collect notes due said township ;

Senate bill for the relief of Daniel Langford, of Fayette county ;

Were severally read the second time, and referred to committee on 16th sections.

House bills :

For the relief of Wm. Aldridge, Joseph Morris, Wm. Kramer, and Susan McNally ;

To compensate Richard Norton, of Cherokee county, for services rendered the State ;

For the relief of Washington C. McMahon ;

To compensate F. H. Newman and others therein named, for a *post mortem* examination in aid of public justice ;

To compensate Seth Mabry, J. C. Hailey, and Aaron Miller, for money expended by them in advertising a fugitive from justice ;

Were severally read a second time and referred to the Committee on Propositions and Grievances.

House bills :

To incorporate the Auburn Guards of Macon county ;

To incorporate the Warsaw Rifles ;

To incorporate the Livingston Light Infantry ;

To incorporate the Prattville Greys in Autauga county ;

To incorporate the Metropolitan Guards ;

To require the Quarter Master General to furnish cadet muskets to the military school at Glennville ;

Were severally read the second time and referred to the Military Committee.

The bill to establish a State Military Committee at Glennville in Barbour county, was read the second time and referred to the Joint Military Committee of the two Houses.

Senate Bills :

To incorporate the Columbiana Insurance Company ;

To incorporate the Demopolis Marine Fire Insurance Company ;

To amend the charter of the Eastern Bank of Alabama ;

And House bills .

To incorporate the Union Insurance Company ;

To amend the Free Banking Law ;

To charter the Planters' and Merchants' Insurance Company at Selma ;

To amend the charter of the Eastern Bank of Alabama ;

Were severally read the second time and referred to the Committee on Banks and Banking.

Mr. Parsons moved to amend this bill by adding—

*Provided*, That said bank shall keep its circulation in part in the city of Mobile, and that its own notes shall be received by said bank in payment of all bills and notes discounted by it—also referred.

House bills:

To extend the provisions of the Code as regards road working in the county of Bibb;

To repeal an act therein named;

To amend section 1171 of the Code;

To grant township trustees certain privileges;

Were severally read the second time and referred to Committee on Roads, Bridges and Ferries.

Bills:

For the relief of the owners of Fish Traps on the Tennessee River;

To amend the charter of the Selma and Gulf Railroad Company;

To dispose of the masonry and other fixtures of the Muscle Shoals Canal;

Were severally read the second time and referred to the Committee on Internal Improvements.

Senate bills:

To prevent stock from being killed by Railroads;

To incorporate and aid the Agricultural and Horticultural Society of Western Alabama;

Were read the second time and referred to the Committee on Agriculture.

The bill:

For publishing and distributing the Acts of the General Assembly in each county in the State;

Was read the second time and referred to the Committee on Printing.

House Bills:

To repeal so much of the School Law, as requires three trustees to be elected in each township in Jackson county;

To make trustees of free public schools subject to the process and liabilities of the writ of garnishment;

Were read and referred to the Committee on Education.

House bills:

For the relief of W. H. Bennett of Sumter county;

For the relief of Charles Hobbs of Talladega county;

Were read the second time and referred to the Committee on Accounts and Claims.

House bill to impose a tax on sales of goods, wares, and

merchandize manufactured or purchased in the State of Massachusetts; was read the second time and referred to the committee on federal relations.

House bill to be entitled an act in fulfillment of the duty imposed upon the General Assembly, by the last sentence of the 5th section of the 6th article of the Constitution of the State of Alabama; was read the second time and referred to the committee on privileges and elections.

House bill fixing the time for holding the Circuit Courts of Pike and Coffee counties, for the purpose of allowing the courts of Coffee an additional week, was read the second time and referred to the delegations from said counties.

House bill to repeal a certain act therein named, was read a second time and referred to the delegation from Butler.

House bill to repeal in part, an act therein named, was read the third time and referred to the delegations from Chambers and Randolph.

House bill to define and establish the line between the counties of DeKalb and Cherokee, was read the second time and referred to the delegations from said counties.

House bill to be entitled an act for the relief of Eli T. Watts of Marshall county, was read the second time and referred to the delegation from Marshall.

Senate bill to repeal an act to regulate fees for marriage license in Benton county, was read the second time and referred to the delegation from Calhoun.

After which, on motion of Mr. Clitherall, the House adjourned until 10 o'clock to-morrow.

TUESDAY, Jan. 10th, 1860.

The House met pursuant to adjournment.

On motion of Mr. Starke, the reading of the journal was dispensed with.

The Senate messages were then considered.

The following Senate bills were read and ordered to a second reading:

Bill to regulate the working of a certain road;

To authorize the compilation and printing of the revenue laws;

To prevent the adulteration and sale of adulterated liquors;

To incorporate the New Harmony Male and Female Academy in Chambers county;

To amend section 1136 and 1137 of the Code, as to the county of Monroe;

To revive and amend an act to incorporate the West Point, Georgia, and Tennessee Rivers Railroad Company ;

To incorporate the Lafayette Insurance Company ;

To incorporate the Trustees of Hopewell Cemetery ;

To authorize the Court of County Commissioners of Franklin county to build a bridge in the corporation of Tuscumbia ;

To require tax-assessors and collectors to prepare and furnish assessment lists to the tax payers ;

To revive and amend the charter of the Greensboro' Cavalry Company ;

For the relief of Burrell Johnson, tax collector of Perry county ;

To incorporate the Central Warehouse Company ;

To incorporate the Greenville Insurance Company ;

To enlarge the power of Registers in Chancery ;

Declaring the Omursa Creek in the county of Henry, and other streams in Mobile county, public highways ;

To regulate the interest on the Sixteenth Section and State University Fund ;

To authorize the execution of a deed to certain land, to R. S. Heflin, by the Governor of Alabama ;

To amend the law in relation to trading with slaves ;

The House bill to incorporate the Fayetteville and Columbus Railroad Company, which was amended by the Senate, was taken up and the amendment concurred in ;

Senate bill to provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed, under section 439 of the Code, was read, the constitutional rule suspended, the bill read the second time forthwith and referred to the judiciary committee ;

Senate bill to enable the people of Pickens county to more permanently locate the seat of justice in said county, and for other purposes, was read the first and second times, and,

On motion of Mr. Clitherall, the constitutional rule was suspended and the bill referred to the delegation from Pickens ;

Senate bill to authorize the Georgia Western Railroad Company to construct their railroad from the Georgia line, through the county of Calhoun, to the town of Jacksonville or Oxford, on the Alabama and Tennessee rivers railroad, was read, the constitutional rule suspended, and on motion of Mr. Cooper, referred to committee on internal improvements.

Engrossed bill to enable the creditors of Phillip Barton, deceased, to prove their claims, was taken up and passed.

Yeas 44, nays 34.

Yeas—Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Brown



of Marion, Bryan, Bush, Carter, Chambers, Clapp, Cunningham, Dark, Davis, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Knox, Latham, Lesueur, Mabry, McMurry, Meadows, Musgrove, Neal, Scott, Seay, Seale, Shepard Smith of Coosa, Smith of Lauderdale, Taylor, Walden of Coosa, Walden of Morgan, Warren.—44.

Nays—Messrs. Abney, Adams, Bradley, Brown of Tuscaloosa, Burgess, Clayton, Clifton, Clitherall, Coleman, Davidson, Easley, Ferrell, Forney, Fountain, Gilchrist, Griffin of Dale, Hale, Hardwick, Hubbard, Jack, Lane, Lloyd, Lowe, Martin, Oats, Overall, Ramsey, Rice, Tate of Macon, Thornton, Walker, White, Wright.—34.

Leave of absence was granted Mr. Parsons.

#### CALL OF COUNTIES.

The following bills were introduced and ordered to a second reading, by :

Mr. Taylor: a prtion which was referred to the committee on ways and means ;

Mr. Chambers : to amend the law in relation to dower ;

Also, to authorize the Governor to issue a patent to a certain person ;

Mr. Clayton : a bill for the relief of Thos. H. Roberts, former jailor of Barbour county ;

Also, a memorial ; which was referred to the committee on federal relations ;

Mr. Adams : a bill to amend section 1354 of the Code ;

Also, a bill to make Reuben Stinson and Raliegh Jones citizens of Butler county ;

Mr. Cooper : a bill for the protection of passengers on steam boats and railroads in this State ; read, the constitutional rule suspended and referred to the judiciary ;

Mr. Warren : a bill to change the term of office of the judge of probate, in Alabama ; which was read, the rule suspended, read a second time and referred to the judiciary committee ;

Mr. Irby : a bill to authorize Geo. W. Bates to erect a gate across a certain road therein named ; read and ordered to committee on local legislation ;

Mr. Fountain : a bill for the relief of Wm. Bracewell of Dale, read, the rule suspended, read a second time and referred to committee on accounts and claims ;

Mr. Griffin of Dale : a bill to authorize justices of the peace

to issue warrants in certain cases. Ordered to a second reading;

Mr. Cowan: a bill to establish and define the line between Jackson and DeKalb; read, constitutional rule suspended, read the second time and referred to the delegation from Jackson and Dekalb;

Mr. Coleman: a bill to repeal in part an act relating to hunting wild hogs, approved 13th February, 1860. Ordered to a second reading.

Mr. Herman: a bill to repeal section 1 of an act, approved 6th February, 1838; ordered to a second reading;

Also, a bill to incorporate the Lauderdale Manufacturing company; read, the constitutional rule suspended, read second time and referred to committee on corporations;

Mr. Hubbard presented a petition, referred to the delegation from Lawrence;

Mr. Clapp: a bill to repeal an act therein named, so far as it relates to Marshall county; read, rule suspended, read a second time and referred to the committee on local legislation;

As was also a bill by:

Mr. Overall: to repeal in part an act therein named, and to revive an act therein named, in their application to the county of Mobile;

Also, a bill to amend section 3600 of the Code, ordered to a second reading;

Mr. Forsyth: a bill for the relief of the estate of Hillery Foster, of Mobile county; read, constitutional rule suspended, read a second time and referred to the judiciary;

Mr. Rice: a bill to change the time of holding the circuit court of Montgomery county; read, rule suspended, read a second time, referred to committee on local legislation;

Mr. Carter: a bill to aid in the construction of a public wagon road across the Talladega mountain; ordered to a second reading;

Mr. Brown of Tuscaloosa: a bill to authorize Dennis Springer to construct a turnpike across Lipsey river; read, rule suspended and read a second time, referred to committee on local legislation;

Also, a bill to facilitate the recovery of runaway slaves, read, constitutional rule suspended, read second time and referred to the judiciary;

Mr. Warren: joint resolutions, referred to the committee on federal relations;

Mr. Clitherall moved to suspend the regular order of business to take up engrossed bills. Carried.

The bank bill being under consideration.

Mr. Clitherall moved to suspend it until 12 o'clock.

Lost.

The question pending, being on the definite postponement of the bill and amendment.

Mr. Clayton moved to adjourn until 10 o'clock to-morrow.

Carried.

Mr. Clitherall entitled to the floor.

WEDNESDAY, 11th Jan., 1869.

House met pursuant to adjournment.

Journal was read and approved.

Mr. Speaker laid before the House two records of divorce; which were referred to committee on divorce and alimony;

Also, laid before the House a communication from Geo. F. Sallie; which was ordered to lie on the table.

Protest of Mr. Brown of Marion, recognizing it as the right and duty of every man to enter his solemn protest against any measure that he believes inimical to the best interest of the commonwealth of Alabama. I ask leave this morning so to do, against the resolution passed by the two Houses, by which the General Assembly took the late recess, I am emphatically opposed to recesses.

1st. Because it is throwing a heavy and onerous tax on the shoulders of a constituency, whom I in part, have the honor to represent upon this floor.

2nd. I consider that every gentleman, when he is elected takes upon himself the duty of a continuous legislation, at least until the business of the country is legally and fairly disposed of. These, together with a variety and endless variety of other reasons form some basis for this my solemn protest. Rocked in the cradle of democracy, with songs of democracy breathed into democratic ears by a democratic mother, and ever expecting to stand under that noble flag that has waved over so many fields of victory and triumph, I am, and was surprised, at this onerous and disastrous act of the Alabama Assembly.

K. T. BROWN.

On motion of Mr. Walker the regular order of business was suspended to allow the committee on divorce and alimony to make one report, and that the committees then report in the order in which they stand on the committee board.

Mr. Starke, from committee on divorce and alimony, reported a bill to divorce Henrietta Earnest from her husband E. J. C. Earnest, and to divorce other persons therein named; which

was read the first, second and third times under a suspension of the constitutional rule.

Passed and ordered to the Senate.

Mr. Clitherall, by leave, a bill to authorize the sheriff of Montgomery county to make his return in the late special election for representatives; which was read first, second and third times under a suspension of constitutional rule, and passed.

Message from the Senate.

The Senate has originated and passed bills of the following titles:

Joint resolutions and memorial, joint resolutions of the General Assembly on the subject of federal relations;

Memorial to Congress on the subject of swamp lands donated to Alabama by act of Congress, Sept. 28th, 1850;

And House bill to authorize the sheriff of Montgomery county to make his return in the late special election for representative.

Mr. Walker, from judiciary committee, to whom was referred a certain resolution in regard to the judicial circuits of this State, asked to be discharged from its consideration, there being a bill similar in its provisions now pending before the House. Concurred in.

Mr. Clitherall, from same committee reported amendments to the bill to prevent frivolous or malicious prosecutions and as thus amended recommend the passage of the bill and amendments.

Adopted.

Bill read three times and passed.

Mr. Walker from same committee, reported adversely to the bill for the relief of Isaac Franks and Tyrea Franks, of Marion county Alabama.

Mr. Brown of Morgan, moved to lay the report on the table.

Pending which motion the hour of 11 o'clock arrived and the House proceeded to consider the special order, being the bill to incorporate the Merchants' Bank of Alabama. Question being upon the indefinite postponement of the bill and amendment.

Mr. Overall entitled to the floor.

Mr. Starke moved to adjourn until 10 o'clock on Friday.

Yeas 33, nays 43.

Lost.

Yeas—Messrs. Speaker, Bell, Bowen, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Cooper, Forney, Gilchrist, Griffin of Dale, Herren of Tallapoosa, Holley of Tal-

lapoosa, Hudgins, Irby, Latham, Lesueur, McMurry, Neal, Overall, Seay, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Walker, Warren, White—33.

Nays—Messrs. Abney, Adams, Bibb, Bradley, Brooks, Brown of Marion, Burgess, Carlysle, Clayton, Clifton, Clitherall, Coleman, Cowan, Cunningham, Dark, Davidson, Davis Easley, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Holley of Covington, Hubbard, Humphries, Jack, Knox, Lane, Lloyd, Mabry, Musgrove, Oats, Seale, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, Wright—43.

Mr. Cooper moved to adjourn until 10 o'clock to-morrow.  
Carried.

THURSDAY, 12th Jan., 1860.

On motion of Mr. Clitherall, at fifteen minutes past 10 o'clock, Mr. Hale was called to the Chair, in the absence of the Speaker.

On motion of Mr. Starke, the House adjourned until 10 o'clock to-morrow.

Yeas 58, nays 22.

Yeas—Messrs. Adams, Aldridge, Bell, Bowen, Barodon, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Cowan, Dark, Davis, Ferrell, Forney, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Jack, Knox, Latham, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Neal, Overall, Ramsey, Scott, Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thornton, Walden of Morgan, Walker, Warren.—58.

Nays—Messrs. Abney, Bradley, Brown of Marion, Carlysle, Clitherall, Coleman, Cooper, Cunningham, Davidson, Easley, Flake, Fountain, Goldsmith, Griffin of Jackson, Holley of Covington, Jones, Lane, Meadows, Musgrove, Oats, Seay, Seale.—22.

FRIDAY, 13th Jan., 1860.

House met pursuant to adjournment.

The journal was read and approved.

Mr. Clitherall announced the presence of Mr. Woods, elected from the county of Montgomery, to fill the unexpired term of Mr. Saffold.

Mr. Woods was then qualified and took his seat as a member of this House.

Mr. Speaker laid before the House sundry records of divorce, referred to committee on divorce and alimony.

Also, laid before the House, a communication in regard to free negroes in this State, which was referred to the committee on the judiciary.

Mr. Starke offered the following resolution :

*Resolved*, That Z. N. Morrell, a citizen of Texas, be allowed to place his seed planter and fertilizer upon the first floor of the Capitol, for the inspection of members and others.

Adopted.

Mr. Oats offered the following resolution :

*Resolved*, That during the meeting of the Democratic State Convention, the House shall meet at 9 o'clock and adjourn at 12 o'clock M., on each day, in order to have time upon the part of the House, and also the Convention, to transact their respective business.

When, on motion of Mr. Griffin of Marshall, the House adjourned until 10 o'clock, to-morrow.

Yeas 39, nays 35.

Yeas—Messrs. Speaker, Aldridge, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clapp, Clifton, Davis, Forney, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hardwick, Herman, Hobbs, Hudgins, Irby, Jack, Lesueur, Lowe, Mabry, Neal, Overall, Ramsey, Woods, Scott, Shepard, Slater, Smith of Lauderdale, Taylor, Thornton, Walden of Morgan, Walker, Warren, White, Whitfield.—39.

Nays—Messrs. Abney, Adams, Barlow, Bibb, Bradley Chambers, Clayton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Easley, Flake, Fountain, Goldsmith, Griffin of Jackson, Hearin of Clarke, Holley of Covington, Hubbard, Jones, Knox, Lane, Meadows, Musgrove, Oats, Seay, Seale, Sherrod, Starke, Tate of Macon, Tait of Wilcox, Wright.—35.

SATURDAY, Jan. 14, 1860.

House met pursuant to adjournment.

Journal was read and approved.

Mr. Speaker laid before the House a record of divorce, which was referred to committee on divorce and alimony.

Mr. Speaker announced Mr. Woods upon all the committees which Mr. Saffold had been appointed to.

Mr. Clitherall offered the following resolution, which lies over one day, under a rule of the House of Representatives :

*Resolved*, That hereafter, the House of Representatives will meet at 9½ o'clock A. M., and adjourn at 1½ o'clock P. M., and

on Tuesdays, Thursdays and Saturdays of each week, will meet also at 3 P. M. and adjourn at 5 P. M.; and Tuesdays and Saturdays of each week, after the call of the counties shall have been completed, be devoted to the reception of reports from committees, in preference to all other business. This last clause of rule shall only be suspended by a vote of two-thirds of the members present.

Mr. Starke offered the following rule, which lies over one day.

*Resolved*, That from and after Monday next, this House shall hold two sessions, daily assembling at 9 o'clock A. M., and adjourning at 1½ o'clock P. M., shall re-assemble at 3 o'clock P. M., and adjourn at 4½ o'clock P. M.

Mr. Tait, from committee on enrolled bills, reported the bill to incorporate the Montgomery and Eufaula Railroad Company, as correctly enrolled:

When, on motion of Mr. Smith of Lauderdale, the House adjourned until 10 o'clock on Monday.

Yeas 45, nays 38.

Yeas—Messrs. Speaker, Aldridge, Barlow, Bell, Barodon, Brown of Tuscaloosa, Bush, Carlisle, Carter, Cary, Clapp, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Marshall, Hearin of Clarke, Herman, Hobbs, Hubbard, Hudgings, Irby, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Neal, Overall, Ramsey, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Taylor, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—45.

Nays—Messrs. Abney, Adams, Bibb, Bradley, Brown of Marion, Burgess, Chambers, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Flake, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Hightower, Holley of Covington, Humphries, Jack, Jones, Lane, Musgrove, Oats, Seay, Seale, Starke, Tate of Macon, Thornton, Wright.—38.

MONDAY, January 15th, 1860.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker laid before the House sundry records of divorce, which were referred to committee on Divorce and Alimony;

Also, communications from Robert M. Livingston in regard to direct trade with Belgium, which were referred to committee on Agriculture.

Mr. Sherrod presented a new rule; lies over one day.  
Message from the Senate by Mr. Roberts.

Senate, Jan. 10th, 1860.

*Mr. Speaker* : The Senate has originated and passed bills of the following titles :

A bill to give the commissioners' court of Perry county authority to relieve L. Z. Tarrant ;

To amend an act to establish a medical board in the county of Clarke ;

To allow the commissioners' court of the county of Perry to build a bridge across Cahaba river in said county.

The Senate concurs in the amendment made by the House to the bill :

To incorporate the book and tract society of the Alabama Conference of the Methodist Episcopal Church South.

M. TAUL, Secretary.

Joint resolutions from the Senate were read and referred to committee on Federal Relations.

Senate bills :

To give the commissioners' court of Perry county authority to relieve L. Z. Tarrant ;

To amend an act to establish a medical board in the county of Cherokee; were read.

The constitutional rule suspended, read the second time, and referred to committee on Local Legislation.

Senate bill to allow the commissioners' court of the county of Perry to build a bridge across Cahaba river, in said county, was read ; the constitutional rule suspended, and referred to committee on roads, bridges and ferries.

#### CALL OF COUNTIES.

The following bills were introduced and the constitutional rule suspended, read the second and third times forthwith, and passed :

By Mr. Taylor : a bill for the relief of Samuel S. Harris of the county of Autauga ;

By Mr. Chambers : to incorporate Pine Grove church.

Mr. Clitherall offered an amendmet. Carried.

By Mr. Bowen : a bill to repeal a portion of an act to incorporate the Midway academy in the county of Barbour ;

By Mr. Lane : a bill to incorporate the Greenville Female college.

Mr. Hale : a bill for the relief of Foster M. Kirksey executor of B. W. Kirksey :

Mr. Flake : to authorize the probate court of Russell county



to sanction a division of the slaves of Toliver Jones, deceased, as their shares;

Mr. Griffin of Jackson: a bill amendatory of an act to locate the seat of justice in Jackson county, approved 17th December, 1859.

Mr. Lesueur: a bill to incorporate the Dayton female academy in the town of Dayton, Marengo county;

Also to amend the charter of the town of Dayton, in Marengo county;

Mr. Brown of Marion: a bill to legalize and confirm certain payments by the tax collectors to the tax assessors of Marion county;

Mr. Parsons: a bill to amend the charter of the town of Tal-ledega;

Mr. Easley: to allow the qualified voters of Walker county to elect a county surveyor for said county.

The following bills and petitions were introduced, the constitutional rule suspended, and read the second time and referred to the committee on judiciary:

Mr. Adams: a bill to increase the pay of constables;

Also to make license to sell vinous and spirituous liquors transferable;

Mr. Cooper: a bill for the relief of Mr. Gilmer of Cherokee county;

Mr. Seay: a bill to repeal section 3404 of the Code;

Mr. Oats: a bill to amend section 2138 of the Code, so as to allow the State to be sued in chancery;

Also, to a bill to compensate officers and other persons for apprehending criminals and fugitives from justice;

Mr. Hale: a bill to prevent homicides;

Also petition from citizens of Greene county;

Mr. Hudgins: a bill to authorize the holding of special terms of the circuit courts in this State;

Mr. Martin: a bill to declare Allen Reavis a citizen of Jefferson county;

Mr. Hobbs: a bill to authorize the court of county commissioners of Limestone county, or any person or persons, to build one or more bridges across Elk river in said county;

Mr. Tait of Macon: a bill to amend section 2040 of the Code, &c.;

Also, to repeal section 1991 and 1992 of the Code, and for other purposes;

Also, to repeal section 977 and 978 of the Code;

Mr. Cunningham: a bill to amend the road law of this State;

Mr. Lowe: To authorize the removal of the Guardianship of

of the minor heirs of Matthew T. Churne from Morgan to Madison county ;

Also, to authorize the probate Judge of Madison county to act as guardian in a certain case ;

Mr. Wood : a bill to allow the probate court of Pike county to take jurisdiction of the estate of Wm. McKillough, deceased, of Montgomery county ;

Mr. Clitherall : a bill to protect females from insult and injury at public assemblies ;

Also, a bill to provide for a preparation of a revised Code of the statute laws of the State of Alabama, of a general and public nature ;

Mr. Starke : a bill to repeal section 436 of the Code of Alabama ;

Mr. Goldsmith : to allow Lewis Witherspoon, a free negro, to become a slave ;

Also for the relief of John J. Bradshaw of Pike county ;

Mr. Ramsey : a bill to amend section 2806 of the Code ;

Mr. Walden of Coosa ; a petition from the citizens of Coosa county for the removal of the chancery court from Wetumpka to Rockford, the county site of said county ;

Mr. Aldridge presented joint resolutions of the Senate and House of Representatives of the State of Alabama in general Assembly convened ; which, on motion, were referred to a committee of one from each judicial circuit.

Message from the Governor by his private secretary, Watt Phelan, Esq.

*Mr. Speaker :* His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles :

An act for the relief of Lewis White of Blount county ;

An act to divorce Wesley M. Pinson from his wife, Susan A. Pinson, and to divorce other persons therein named ;

To divorce Elizabeth Lumley from her husband, Irwin Lumley, and to divorce other persons therein named ;

For the benefit of the supreme court and State libraries ;

For the relief of Martha Ann C. Shaw, of Coosa county ;

For the relief of Mirando Watson ;

To make the official bond of the tax collector operate as a lien on his property for the county revenue ;

To authorize the commissioners' court of Marshall county to levy a special tax for the relief of certain persons therein named ;

To authorize the city of Selma to subscribe for railroad stock ;

To regulate the fees of constables in the beat and town of Cahaba, in Dallas county ;

To repeal an act therein named ;

For the relief of Jno. P. Gates, tax collector of Pickens county ;

To compensate E. C. Greene, to ascertain the sense of the people of Jackson county, in regard to the permanent location of the county site, and to provide for building a court house and jail ;

To incorporate the Montgomery and Eufaula railroad company.

Mr. Humphries introduced a bill to prevent the game of "crackloo."

Mr. Clayton moved to insert "ball," "marbles," after "loo."

Mr. Clitherall moved to amend the amendment by adding, "heads and tails," cockfighting or any other game or sport at which money or any other thing of value is hazarded.

Mr. Sherrod moved to lay the bill and amendment on the table.

Mr. Clitherall made a point of order, that reasons could be given for or against laying on the table. Chair decided *contra*.

Mr. Clitherall appealed the chair, was sustained.

The bill and amendments were then laid on the table.

The following bills were introduced, read, the constitutional rule suspended, read the second time and referred to the committee on internal improvements.

Mr. Lane: a bill to regulate and define the duties and liabilities of railroad companies in this State.

Mr. Adams: a bill to amend an act therein named.

Mr. Whitfield: a bill to authorize railroad companies to execute mortgages, deeds of trust, and other sureties.

Mr. Clitherall offered the following amendment, which was adopted :

"*Be it further enacted*, That all such mortgages and deeds of trust heretofore made, be hereby legalized and sales made under them, or to be made shall be held valid."

The following bill was introduced by Mr. Adams, read, the constitutional rule suspended, and referred to the committee on education.

A bill to amend the law of free public schools.

The following bills were introduced, read, the constitutional rule suspended, read the second time and referred to the committee on ways and means :

Mr. Wright: a bill to repeal and amend sections 397, 399 and 400 of the Code in relation to the sale of slaves;

Also, a bill to amend section 391 of the Code in relation to taxes;

Mr. Clifton: a bill to amend the tax law of Alabama;

Mr. Mabry: a memorial;

Mr. Bryan: a bill to amend section 423 of the Code, so far as relates to Macon county;

Mr. Knox: a bill to increase the tax on certain exhibitions;

Mr. Humphries introduced a bill to prevent the game of "crackloo."

The following bills were introduced, read, the constitutional rule suspended, read again and referred to the committee on local legislation;

Mr. Scott presented the petition of citizens of Madison station and vicinity, in regard to the retailing of spirituous liquors;

Also, petition from the citizens of Wenna, in such county on the same subject;

Mr. Adams: a bill in relation to the hunting of wild hogs in the county of Butler;

Mr. Holley of Covington: to declare Five Runs a public highway;

Mr. Griffin of Dale: to allow certain persons to practice medicine therein named;

Mr. Warren: to establish a medical board of persons practising medicine upon the botanical or Thompsonian system, in the county of Coffee;

Also, to incorporate the Coffee county agricultural society;

Mr. Seale: to consolidate the offices of tax collector and assessor, in Shelby county;

Also, a bill to prevent the sale of spirituous libuors within one mile of Elliottsville, in Shelby county;

Mr. Bowden: to make Sarah B. Wood of the county of Shelby, a free dealer;

Also, for the protection of game in the county of Shelby;

Mr. Tait of Macon: to amend an act incorporating the town of Tuskege, in Macon county;

Mr. Whitfield: a bill for the relief of the executor of John C. Walter;

Mr. Ramsey presented two petitions from citizens of Sumter county referred;

The hour of 12 o'clock having arrived, the time fixed for the special orders.

Mr. Clitherall moved to suspended their further consideration until the call of counties was completed. Carried.

Mr. Mabry introduced a bill to amend the charter of the Shelby lime company ;

Mr. Irby : a bill to incorporate the Cahaba insurance company, both of which were read, the constitutional rule suspended, read the second time and referred to the committee on corporations ;

Mr. Hubbard presented the petition of certain citizens of Lawrence county ; which was read and referred to the delegation from said county ;

Mr. Lesueur introduced a bill to incorporate the Dayton military institute ; which was read, the constitutional rule suspended, read second time and referred to committee on military ;

Mr. Griffin of Marshall, presented an account ;

Mr. Tait of Wilcox, presented a petition of Jas. H. Martin, both of which were read, and referred to committee on accounts and claims ;

Mr. Walker introduced bills to incorporate the royal street railing company ;

To amend the charter of the Mobile omnibus company ;

To incorporate the Mobile and Spring Hill railroad company ;

Mr. Overall introduced a bill to incorporate the Mobile Magnolia Association, and to amend an act to authorize the construction of a plank or shell road along the bay of Mobile, approved Feb. 10th, 1854 ; and the amendments thereof approved January 6th, 1856, and January 20th, 1854, all of which bills were read, the constitutional rule suspended, and referred to the delegation from Mobile ;

Mr. Rice introduced a bill to authorize the legal voters of Robinson's Cross Roads beat, Montgomery county, to hold an election as to the sale of liquors in that beat, which was read, the constitutional rule suspended, and referred to the delegation from Montgomery.

Mr. Chambers introduced a bill to encourage direct trade between the Southern States and Europe. Read ; the constitutional rule suspended, and referred to committee on agriculture.

Mr. Clitherall introduced a bill to compensate James Guild and others for arresting Wm. Kirby, a fugitive from justice.

Mr. Tait, of Wilcox, introduced a bill to incorporate the Camden Insurance Company. Read first and second times under a suspension of the constitutional rule, and referred to committee on banks and banking.

Also, a bill to compensate the commissioners of roads and revenue for their services. Read first and second times under a

suspension of the rule, and referred to committee on roads, bridges and ferries.

Mr. Clayton offered the following resolution, which lies over one day, under the rule of the House:

*Resolved*, That in submitting reports upon bills and petitions, the member of the various committees making the report shall call the attention of the member who introduced the bill or petition to the report at the time of making the same.

Mr. Clitherall moved to suspend the special order now under consideration, being the bill to incorporate the Merchants' Bank of Mobile, until one minute to 12 o'clock on to-morrow; and that all special orders be postponed, each retaining its position on the calendar.

Carried.

On motion of Mr. Clitherall, the resolution offered by himself on Saturday, was taken up and considered.

Mr. Clitherall moved to strike out one-half past 9 and insert 10 o'clock.

Carried.

Mr. Holley, of Covington, moved to strike out one-half past 1 and insert 1 o'clock.

Lost.

The resolution was then adopted.

The House then proceeded to the consideration of bill to lay off and divide the State of Alabama into eleven judicial circuits, question being on the motion of Mr. Parsons to re-commit, which motion, by leave of the House, was withdrawn.

On motion of Mr. Clitherall, the bill was referred to a special committee of two from each judicial circuit, as arranged in bill, with instructions to report the time of holding the courts in the several counties of the State by 3 o'clock to-morrow, if possible, by additional section to said bill.

Mr. Warren offered the following resolution:

*Resolved*, That the principal clerk of this House shall be allowed to employ assistant clerks, if he should need them, to facilitate the business of the House.

Mr. Hardwick moved to amend: provided, his compensation should not exceed four dollars per day.

On motion of Mr. Clitherall, four dollars was stricken out and five inserted.

The amendment and resolution was then adopted.

Mr. Walker asked leave of absence for Mr. Forsyth.

Granted.

Mr. Brown, of Marion, moved to take from the table the Senate bill to compel owners of ferries to attach banisters to their boats.

The hour of one-half past one having arrived, the House stood adjourned until 10 o'clock to-morrow.

TUESDAY, Jan. 17, 1860.

The House met at 10 o'clock.

Journal of yesterday was partly read, and motion of Mr. Clitherall, further reading was dispensed with.

Mr. Speaker laid before the House a communication from Mobile in regard to free negroes.

Mr. Chambers moved to re-consider the vote by which the communication of Mr. Livingston, in relation to direct trade with Belgium, was referred to the committee on agriculture.

Carried.

It was then referred to the committee on non-intercourse.

The following gentlemen were appointed on said committee : Messrs. Lesueur, Tait of Wilcox, Whitfield, Smith, Hudgins, Walker, Aldridge, Chambers and Meadows.

Mr. Speaker announced the committee to be raised under the motion of Mr. Clitherall, referring the new judicial circuit bill to a committee of two from each judicial circuit, viz : 1st district, Shepard and Irby ; 2d, Gilchrist and Rice ; 3d, Brown and Gibson ; 4th, Hobbs and Musgrove ; 5th, Cooper and Lowe ; 6th, Overall and Barlow ; 7th, Hale and Clitherall ; 8th, Starke and Brown ; 9th, Tait of Macon, and Carlysle ; 10th, Parsons and Forney ; 11th, Adams and Cary.

Mr. Jack introduced the following, which was adopted :

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law which shall provide for a change of the time of the meeting of the Legislature from the second Monday in November, as now provided by law, to the first Monday in January, and that they report by bill or otherwise.

Message from the Senate by Mr. Roberts.

Senate, Jan. 16, 1860.

*Mr. Speaker* : The Senate has originated and passed bills of the following titles :

To destroy certain special deposits heretofore made in the State Bank and branches, received from the commissioner and trustee, under act of 6th February, 1858, and now in the State Treasury ;

To incorporate the Marengo Rifles ;

To amend section 43 of the Code, regulating mileage ;

To secure to the State of Alabama the benefits of the act of Congress of September 28th, 1850, by which all the swamps and

overflowed lands within her limits at the passage of said act were granted to her upon certain conditions therein specified ;

To authorize Benjamin T. Noble to dispose of certain property held by him in trust for the benefit of *cestui que trust* ;

To repeal a certain act therein named, so far as it applies to the county of Choctaw ;

The Senate has passed bills which originated in the House of the following titles :

For the benefit of the legatees of James Eddins, deceased, of Pickens county ;

To locate permanently the seat of justice in Henry county :

To divorce Henrietta Earnest from Edward J. C. Earnest, and to divorce other persons therein named :

Has amended and passed the House bill to repeal and amend the road laws in Jackson county ;

Also, the Senate bill to incorporate the Centreville male and female academy, in the county of Coffee.

Senate, 17th Jan., 1860.

*Mr. Speaker :* The Senate has originated and passed bills of the following titles :

To increase the pay of witnesses in the county of Montgomery ;

To amend section 2318 of the Code ;

To amend the charter of the East Alabama Male College, at Auburn ;

To incorporate the Opelika Male Academy ;

To incorporate the Tuscaloosa Female College ;

To amend the charter of the city of Montgomery ;

To prevent the evils of local legislation as to toll gates, bridges, and for other purposes therein named ;

To repeal in part an act to legalize the suspension of specie payments by the Central and Commercial Banks ;

To relieve Green Loveless ;

To incorporate the Alabama Baptist State Convention ;

The Senate has passed bills which originated in the House with the following titles :

To divide the counties of Winston and Shelby into county commissioners' districts ;

To amend an act approved 16th December, 1851, to regulate the sale of spirituous liquors in the town of Elyton ;

To compel the county treasurers to keep their offices within one mile of the court house ;

To regulate suits brought before justices of the peace in Marshall county ;



To incorporate the Montgomery Law School, and make it the Law Department of the University of the State ;

Has amended and passed the bills :

To consolidate the offices of tax collector and assessor in Marion county ;

To amend the law in relation to the emancipation of slaves ;

The Senate concurs in the first amendment made by the House to the bill to amend the charter of the town of Demopolis, and to confer additional authorities on the corporate powers of said town ; and refuses to concur in the second amendment made thereto.

MICAH TAUL, Secretary Senate.

The joint memorial to Congress upon the subject of the swamp lands donated to Alabama by act of Congress September 28th, 1850, was read and referred to the judiciary committee.

The Senate bill to destroy certain deposits heretofore made in the State Bank and branches, received from the commissioner and trustee under act of 6th Feb'y, 1858, and now in the State Treasury, was taken up, read, the constitutional rule suspended.

Mr. Walden, of Coosa, moved to amend as follows: " by excepting the half notes."

Mr. Clitherall offered an amendment to the amendment as follows:

" And said half notes shall each be mutilated with a canceling hammer ; and any half note so mutilated shall be *prima facie*, held to have been redeemed by the State."

The bill and amendments were then referred to the committee on State Bank and branches.

The Senate bills to incorporate the Marengo Rifles was read the first and second times, under a suspension of the constitutional rule, and referred to committee on the military.

The Senate bill to amend section 43 of the Code, regulating mileage, was also read the first and second times under a suspension of the constitutional rule, and referred to the committee on ways and means.

The Senate bill to secure to the State of Alabama the benefit of the act of Congress of September 28th, 1850, by which the swamp and overflowed lands within her limits unsold at the passage of said act, were granted to her upon certain conditions therein mentioned.

And to authorize Benjamin T. Noble to dispose of certain property held by him in trust, for the benefit of his *cestui que*

*trust*, were read the first and second times under a suspension of the constitutional rule, and referred to the judiciary.

The Senate bill to repeal an act therein named, so far as it applies to the county of Choctaw, was read first and second times under a suspension of the constitutional rule, and referred to the delegation from Choctaw.

The House concurs in the amendment of the Senate bills.

To consolidate the offices of tax collector and assessor in Marion county;

To repeal and amend the road laws in Jackson county,

On the bill to amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town, which was amended by the House, the Senate concurred in the first amendment, but refused to concur as to the second.

On motion of Mr. Clitherall, the House receded from the last amendment.

The Senate having amended, as therein shown, the House bill to amend the law in relation to the emancipation of slaves, on motion the House concurred.

#### CALL OF COUNTIES.

The following bills and petitions were introduced, read the first and second time under a suspension of the constitutional rule, and referred to the judiciary committee:

Mr. Clayton: a bill to provide for the condensation and reprint of certain volumes of the reports of the supreme court of the State of Alabama;

Mr. Overall moved to amend by adding 11th and 21st volumes.

Amendment and original bill referred.

Mr. Gibson: to regulate the time and manner of drawing grand juries;

Also, to extend the jurisdiction of justices of the peace in criminal cases;

Mr. Wright: to establish a high court of chancery in the State of Alabama;

Mr. Hale: to amend the law in relation to appeals;

Also, a bill in reference to the effect of the judgments, orders and decrees of the probate court;

Mr. Flake: to exempt *all* slave property from levy and sale under circumstances therein named;

Mr. Herman: to amend a part of section 5th of an act approved February 5th, 1858;

Mr. Hobbs: to amend an act therein named, in regard to the court of county commissioners of Limestone county.

The following bills were introduced, read first, second and third times forthwith, and passed, under a suspension of the constitutional rule:

Mr. Forney: to authorize the election and appointment of an additional surveyor for the county of Calhoun;

Mr. Hardwick: to repeal the law declaring Chattooga river a public highway;

Mr. Clitherall: for the benefit of the estate of A. J. Brown, in Sumter county.

The following bills and petitions were introduced, read first and second times under a suspension of the constitutional rule, and referred to committee on local legislation:

Mr. Forney: the petition of the citizens of the village of Abernathy, in the county of Calhoun;

Mr. Warren: to protect meeting and school houses in this State.

Mr. Bush moved to lay the bill on the table.

Lost.

Mr. Scott presented the petition of certain persons at Madison Station, counter to the petition of some of the citizens of that place for the abolition of the sale of spirituous liquors at said station.

Mr. Oats introduced a bill to exempt from taxation the stock of individual citizens of this State held in the Memphis and Charleston Railroad, which was read; the constitutional rule requiring bills to be read on three several days, was suspended; the bill was read a second time forthwith, and referred to the committee on ways and means.

Mr. Hale introduced a bill to amend the charter of the town of Eutaw, in Greene county, which was read first and second times under a suspension of the constitutional rule, and referred to committee on corporations.

Mr. Thomas introduced a bill to amend a certain act therein named, read first and second times under a suspension of the constitutional rule, and referred to the committee on internal improvements.

Mr. Hudgins introduced a bill to allow owners of public steam grist-mills to take the 6th as toll.

Mr. Hudgins moved to suspend the constitutional rule.

Lost.

House refused to order the bill to a second reading.

Mr. Scott presented the memorial of Jere Sanderson of Madison county, in relation to the propriety of amending the pres-

ent school law, read and referred to the committee on education.

Mr. Lowe presented the petition of the qualified voters of the Maysville township, Madison county, for the prohibition of the sale of spirituous liquors in said township, read and referred to the delegation from Madison and Montgomery.

Mr. Rice introduced a bill to compensate John L. Bunch, for catching a felon, one Wm. Douglass, read first and second times under a suspension of the constitutional rule and referred to the committee on accounts and claims.

Mr. Clitherall introduced a bill, to provide for publishing in two newspapers of different politics, in Montgomery, the public and general laws of Alabama, as soon as passed.

Mr. Starke moved to amend by striking out "two" and inserting "one."

Mr. Walden of Coosa, moved to amend the amendment by adding:

Said printing shall be contracted for by the commissioners appointed by the Governor, whose duty it shall be, to award said printing to the lowest bidder, after giving sixty days notice of the time and place where said contracts are to be made, and it shall be the duty of the said commissioners to require a good and sufficient bond for the faithful performance of said printing.

Mr. Clitherall moved to lay the amendment and the amendment to the amendment on the table.

Mr. Starke called for a division of the question.

The amendment to the amendment was then laid on the table.

The question recurring on laying the amendment of Mr. Starke on the table

Mr. Lowe demanded the yeas and nays.

Tabled.

Yeas 45, nays 33.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowen, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Cary, Chambers, Clapp, Clitherall, Cooper, Cunningham, Dark, Easley, Ferrell, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Hobbs, Irby, Jack, Lowe, Mabry, Martin, Meadows, Musgrove, Oats, Overall, Rice, Seay, Shepard, Tate of Macon, Thomas, Walker, Woods.—45.

Nays—Messrs. Bell, Burgess, Carter, Clifton, Coleman, Cowan, Davidson, Hale, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Jones, Latham, Lloyd, Neal, Parsons, Ramsey, Seale,

Sherrod, Slater, Smith of Coosa, Starke, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Wright, Woods.—33.

Mr. Forney moved to lay the bill on the table.

Mr. Ramsey moved to postpone the further consideration of the question until Monday of the first week in February, at 12 o'clock.

Carried.

Yeas 58, nays 27.

Yeas—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Burgess, Carter, Clapp, Clifton, Coleman, Cowan, Dark, Ferrell, Flake, Fountain, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Jones, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Seay, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, Wright.—58.

Nays—Messrs. Speaker, Adams, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Bush, Cary, Chambers, Clitherall, Cunningham, Davidson, Forney, Gibson, Griffin of Dale, Irby, Jack, Lane, Mabry, Rice, Scott, Seale, Tate of Macon, White, Whitfield, Woods.—27.

Mr. Percy Walker moved to reconsider the vote just taken.

Mr. Smith of Lauderdale, moved to lay the motion to reconsider on the table.

Pending this motion the House adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

The House met at 3 o'clock P. M.

Mr. Brown of Marion, moved a call of the roll, when the following gentlemen answered to their names.

#### CALL OF THE ROLL.

Messrs. Speaker, Adams, Aldridge, Barlow, Bell, Bowen, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carlisle, Carter, Cary, Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cunningham, Dark, Davidson, Easley, Ferrell, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Hudgins, Humphries,

Jack, Jones, Lane, Latham, Lesueur, Lloyd, Lowe, Mabry, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Seale, Smith of Coosa, Starke, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods. —66 present.

The question pending being the bill to publish the acts, &c.

Mr. Smith of Lauderdale, having moved to lay on the table the motion to re-consider the vote by which further consideration of the bill was postponed until the first week in February.

Lost.

The vote was then re considered.

Mr. Ramsey withdrew his motion to postpone to a certain day.

Mr. Parsons moved to refer the bill and amendments, together with the resolution, to a committee of five.

Carried.

The Chair appointed Messrs. Clitherall, Parsons, Hale, Brown of Marion, and Walden of Morgan.

The following bills were introduced, read first and second times, under a suspension of the constitutional rule, and referred to the committee on local legislation.

Mr. Clitherall: a bill to prevent the sale of spirituous or vinous liquors, and to prevent gambling at Robinson's Springs in Autauga county.

Mr. Holley of Tallapoosa, presented the petition of Wm. Griffin, *et al.*

Mr. Shepard, asked leave for the special committee appointed to re-organize and divide the State into eleven judicial circuits, to sit during the session of the House.

Granted.

Mr. Goldsmith, introduced a bill to incorporate New China Grove in the county of Pike, read first and second times under a suspension of the constitutional rule, and referred to the committee on corporations.

Mr. Ramsey: a bill to amend the law in relation to public roads;

Also, a bill to amend the law in relation to the removal of the estates of minors, which were read the first and second times, under a suspension of the constitutional rule, and referred to the committee on the judiciary.

Mr. Carter, to amend an act approved February 15th, 1858, to incorporate the Fayetteville Male and Female Academy in Talladega county, read first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Holley of Tallapoosa, for the relief of John Lamberth,

tax collector of Tallapoosa county, read first and second times, under a suspension of the constitutional rule, and referred to the committee on ways and means.

#### REPORTS FROM JUDICIARY COMMITTEE.

The House proceeded to consider the unfinished adverse report, for the relief of Isaac and Teresa Franks of Marion county, the question pending being the motion of Mr. Brown of Marion, to lay the report of the committee on the table.

Mr. Clitherall moved to lay the bill and report on the table.

Mr. Brown demanded a division of the question. Question first being on laying the report on the table.

Carried.

The question then recurred on laying the bill on the table.

When Mr. Walker, of Mobile, demanded the yeas and nays.

Yeas 38: nays 28.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bryan, Burgess, Carter, Chambers, Clitherall, Coleman, Cowan, Cunningham, Dark, Davidson, Fountain, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Lesueur, Lloyd, Mabry, Ramsey, Scott, Sherrod, Slater, Tait of Wilcox, Taylor, Thornton, Walden of Coosa, Walker, White.

Nays—Messrs. Bradley, Brown of Marion, Bush, Clayton, Easley, Ferrell, Flake, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Hightower, Holley of Covington, Jack, Jones, Knox, Latham, McMurry, Meadows, Rice, Seay, Seale, Smith of Coosa, Thomas, Walden of Morgan, Warren, Whitfield, Wright, Woods.

Mr. Griffin of Marshall, from a select committee, to whom was referred the bill for the relief of Eli Watts, referred a substitute therefor, which was read the first, second and third times forthwith, under a suspension of the constitutional rule, and passed.

Mr. Walker, from the judiciary, reported favorably on the following bills:

To amend section 3254 of the Code;

To amend the law relative to the unlawful detainer of land;

For the relief of G. W. Nettles of Monroe county;

For the relief or the next of kin of Joseph Riter, deceased, late of Montgomery county;

To authorize judges of probate in the different counties in this State to issue attachments in certain cases; which bills were

severally read a third time under a suspension of the constitutional rule, and passed.

Mr. Walker, from same committee, reported a substitute for the relief of Henry W. Trawick, executor of Moses Trawick, of Russell county, &c., entitled as follows:

To authorize executors and administrators, in certain cases, to invest the surplus money in their hands; which was adopted and under a suspension of the constitutional rule was then read the third time and passed.

Mr. Walker, from same committee, reported an amendment to the bill to exempt slaves from levy and sale under legal process, which was adopted.

Mr. Hubbard moved to amend as follows: "That there shall also be exempt in addition to the slaves so exempted, lands and real estate to the amount of one thousand dollars to each and every citizen subject to the same rules as to probate and record; the like amount of mechanics', manufacturers' tools and implements, Physicians' libraries and medicines, Lawyers' and Attorneys' libraries or portions of each of the value of one thousand dollars. To come in after 4th section.

Mr. Walden of Coosa, moved to amend the amendment:

"*Provided*, That the sale or disposition of the children or offspring of any female slave exempted as above stated, unless said sale be applied for the benefit of creditors prior to the age above described, then and in that case said exemption shall be null and void to all intents and purposes as herein before described.

Mr. Walker moved to postpone the bill until the call of the counties on to-morrow.

Mr. Jack moved to postpone the bill and amendments and make them the special order for 12 o'clock to-morrow.

Mr. Walker, from same committee, to whom was referred the bill to exempt certain property therein named from levy and sale, under execution or other legal process, having already reported favorably on a similar bill, asked to be discharged from further consideration thereof.

Mr. Walker, from same committee, reported adversely on the bill to amend section 992 of the Code and for other purposes, pending the consideration of which report, the hour of 5 o'clock arrived, and the House stood adjourned until to-morrow at 10 o'clock A. M.

WEDNESDAY, Jan. 18th, 1860.

On motion of Mr. Clitherall, the reading of the Journal was dispensed with.



Mr. Speaker laid before the House a record of divorce, which was referred to committee on divorce and alimony.

Mr. Hale, from select committee, to whom was referred the bill to be entitled an act to lay off and divide the State of Alabama into eleven judicial circuits, have had the same under consideration, and instructed me to report the same back to the House and recommend that it be adopted with the following amendments: Take the county of "Blount" from the third circuit and add it to the fifth circuit; take the county of Shelby from the tenth circuit and add it to the third, and also amend by adding an additional section to the bill.

Mr. Clitherall moved an amendment as follows: "And in the counties of Pickens and Barbour the State docket shall not be taken up until the third week of the term, until the spring term of 1862, at which term and thereafter it may be taken up on the second week, if the court at the preceeding term shall so order. Adopted.

Mr. Walker moved to amend as follows: *Provided*, That nothing in this act shall interfere with the special laws in reference to holding the circuit court in Mobile county. Adopted.

Mr. Jones moved to amend by transposing the words Russell and Tallapoosa.

Which, on motion of Mr. Dark, was laid on the table.

Mr. Hudgins moved to lay the whole subject on the table.

Mr. Clitherall called a division of the question.

Question first was on laying amendment on the table.

Lost.

Yeas 36; nays 55.

Yeas—Messrs. Aldridge, Bell, Brown of Marion, Burgess, Clapp, Coleman, Cooper Cowan, Easley, Ferrell, Gibson, Griffin of Marshall, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Humphries, Jack, Jones, Lloyd, Lowe, Martin, McMurry, Neal, Oats, Overall, Ramsey, Scott, Seay, Slater, Smith of Lauderdale, Thornton, Walden of Coosa, Walden of Morgan, Wright.

Nays—Messrs. Speaker, Abney, Adams, Barlow, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Cary, Chambers, Clifton, Clitherall, Cunningham, Dark, Davidson, Flake, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Latham, Lesueur, Mabry, Meadows, Musgrove, Parsons, Rice, Seale, Sherrod, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walker, Warren, White, Whitfield, Woods.

The question then was on laying the bill on the table.

Lost.

Mr. Lowe moved the previous question.

Lost.

Yeas 41; nays 51.

Yeas—Messrs. Aldridge, Barlow, Bradley, Brown of Marion, Bush, Carlysle, Carter, Clifton, Coleman, Cooper, Cowan, Easley Ferrell, Forney, Gibson, Griffin of Jackson, Hightower, Holley of Covington, Hubbard, Hudgins, Jack, Jones, Latham, Lowe, Mabry, Martin, McMurry, Neal, Overall, Ramsey, Rice, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tait of Wilcox, Taylor, Thornton, Wright.

Nays—Messrs. Speaker, Abney, Adams, Bell, Bibb, Bowen, Brooks, Brown of Tuscaloosa, Bryan, Burgess, Cary, Chambers, Clapp, Clayton, Clitherall, Cunningham, Dark, Davidson, Flake, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hobbs, Holley of Tallapoosa, Humphries, Irby, Knox, Lane, Lesueur, Lloyd, Meadows, Oats, Parsons, Shepard, Smith of Coosa, Starke, Tate of Macon, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.

Mr. Hobbs moved to amend as follows: Marion first Monday in March and September, one week; Lauderdale second Monday in March and September, two weeks; Lawrence fourth Monday in March and September, one week; Frankiin first Monday after fourth Monday in March and September, continue two Weeks; Limestone third Monday after fourth Monday in March and September, one week; Morgan fourth Monday after fourth Monday in March and September, one week. Adopted.

Mr. Irby moved to amend, "Autauga 1st Monday after 4th in March, and may hold two weeks.

Adopted.

Mr. Ferrell moved to amend by holding the courts in Randolph, at the same time they are now held, the last Monday in February and August, hold three weeks in the Spring and two weeks in the Fall.

Adopted.

Mr. Lesueur moved to amend so as Marengo county shall hold three weeks instead of two, and to make the Choctaw court one week later.

Mr. Whitfield moved the previous question.

Carried.

A division of the question was called for.

The question first was on the first amendment of the committee.

Adopted.

The question then was on the second amendment of the committee.

Adopted.

The question then was on the third amendment of the committee.

Adopted.

Yeas 61 nays 28.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Cary, Chambers, Clayton, Clitherall, Cunningham, Dark, Davidson, Easley, Ferrell, Flake, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Lesueur, Mabry, McMurry, Meadows, Musgrove, Parsons, Seale, Shepard, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield, Woods.—61.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Gibson, Griffin of Jackson, Holley of Covington, Jack, Jones, Latham, Lloyd, Lowe, Neal, Oats, Overall, Ramsey, Scott, Seay, Sherrod, Slater, Smith of Lauderdale, Walker, Wright.—28.

Mr. Chambers moved the previous question on ordering the bill to a third reading forthwith.

Yeas 66, nays 25.

Carried.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Carter, Cary, Chambers, Clayton, Clitherall, Cunningham, Dark, Davidson, Easley, Ferrell, Flake, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hubbard, Hudgins, Humphries, Irby, Knox, Lane, Latham, Lesueur, Mabry, Martin, McMurry, Meadows, Oats, Parsons, Rice, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—66.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Clapp, Clifton, Coleman, Cooper, Cowan, Gibson, Hardwick, Holley of Covington, Holley of Tallapoosa, Jones, Lloyd, Lowe, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Sherrod, Slater, Thornton, Wright.—25.

The hour of one minute to 12 o'clock having arrived, for which there was a special order, which, on motion of Mr. Hubbard, was suspended to dispose of the bill before the House.

Senate, 18th Jan., 1860.

Mr. Speaker : The Senate has originated and passed bills with the following titles :

Making appropriation to pay the expense of illuminating the capital on the 9th January, 1860 ;

To provide for a digest of the statute laws of the State of Alabama ;

To create an additional term of the chancery court of the 26th chancery district of the northern division ;

Also, the House bill to change the times of holding the chancery courts in the 37th district in the northern division.

The Senate has ordered to be printed for the use of the two houses of the General Assembly, 3,000 copies of the report of the joint committee appointed to examine the condition of the two and three per cent. funds.

M. TAUL, Secretary Senate.

EXECUTIVE DEPARTMENT,  
Montgomery, Alabama, Jan. 18, 1860.

*Gentlemen of the House of Representatives :*

In obedience to the request of the Governor of the State of South Carolina, I herewith transmit to the House of Representatives certain resolutions passed by the General Assembly of that State, at its last session, to which your special attention is invited. The first resolution declares it to be the deliberate judgment of the General Assembly, "that the slaveholding States should immediately meet together to concert measures for united action," with reference to secession from the Union. To call a convention, with this view, at this time, is in my opinion, premature.

The Senate has passed resolutions requiring the Governor of Alabama to call a State convention in the event a republican should be elected President of the United States in 1860, which are now before the House of Representatives. These resolutions fully meet my approbation, and I think fix the proper time for calling a convention of the State, and of the slaveholding States: *Provided*, the contemplated contingency occurs, and if it does not occur, there will be no necessity for a convention. I do not doubt the right of a State to secede from the Union when acting in her sovereign capacity. She deems it her duty to do so, and I also deem it proper in such a case, for the State

proposing to secede, to advise and consult with her sister States whose interests are similarly affected to bring about concert of action.

I fully concur with the legislature of South Carolina, in the principles set forth in the resolutions, but deem it inexpedient to call a convention of the slaveholding States "immediately," for the purposes contemplated in the resolutions.

Very respectfully,

A. B. MOORE.

The bill was ordered to a third reading forthwith.

Yeas 63, nays 28.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Carter, Cary, Chambers, Clayton, Clifton, Cunningham, Dark, Davidson, Easley, Ferrell, Flake, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Irby, Knox, Lane, Lesueur, Mabry, Martin, McMurry, Meadows, Oats, Parsons, Rice, Seale, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield, Woods.—63.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Clitherall, Coleman, Cooper, Cowan, Gibson, Hardwick, Hobbs, Holley of Covington, Hudgins, Jack, Jones, Latham, Lloyd, Lowe, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Sherrod, Slater, Smith of Lauderdale, Thornton, Wright.—28.

Mr. Clitherall moved to amend by way of engrossed reyder as follows :

*Provided*, That this act shall not take effect until the 1st day of July next, but the elections of solicitors and judges under this act shall be held at such times as the General Assembly at this session may direct as to solicitors, and on the 1st Monday in May next as to the judges to be elected, read.

Mr. Hubbard moved to lay the engrossed ryder on the table. Lost.

The engrossed reyder was read a second time.

Mr. Clitherall moved the following as a substitute for the engrossed reyder :

*Be it further enacted*, That the several judges of the circuit courts of this State shall hold the courts of the circuit as heretofore laid off and established by law, during the Spring ridings 1860, and none of the provisions of this act shall go into effect

until the 1st day of July next, except so far as to authorize the election of judges and solicitors for the 10th and 11th circuits, or any of the other circuits as laid off by this act in the event a vacancy shall occur.

Adopted.

Read the third time and became a part of the bill.

Mr. Brown of Marion, moved to postpone the further consideration of the bill until the 5th February, and make it the special order for the hour of half past 12 o'clock, and that no discussion should be had upon it.

Lost.

Mr. Walker moved to postpone until 5 minutes to 12 o'clock.

Lost.

Mr. Rice moved to postpone until to-morrow at 12 o'clock.

Mr. Chambers moved the previous question on the passage of the bill.

Sustained.

The question being, shall the bill pass?

Yeas 45, nays 48.

The House refused to pass the bill.

Ayes—Messrs. Speaker, Abney, Adams, Barlow, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Cary, Chambers, Clayton, Cunningham, Dark, Ferrell, Flake, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Holley of Tallapoosa, Hubbard, Irby, Knox, Lane, Lesueur, Mabry, Meadows, Parsons, Shepard, Starke, Tait of Macon, Tate of Wilcox, Taylor, Warren, White, Whitfield, Woods.

Nays—Messrs. Aldridge, Bell, Bibb, Brown of Marion, Burgess, Carter, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Davidson, Easley, Gibson, Griffin of Jackson, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Hudgins, Humphries, Jack, Jones, Latham, Lloyd, Lowe, Martin, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Wright.

Mr. Clitherall moved to reconsider the vote by which the House refused to pass the bill to lay off and divide the State of Alabama into eleven judicial circuits, and to postpone the consideration of that motion until 12 o'clock to-morrow.

Pending the discussion on the motion, the hour of one-half past one o'clock arrived, and the House stood adjourned until 10 o'clock to-morrow morning. (Mr. Hale entitled to the floor.)

THURSDAY, Jan. 19, 1860.

House met pursuant to adjournment.

Journal read and approved.

A communication from the Governor was received, read and referred to the committee on federal relations.

Mr. Lowe was appointed on the committee to visit the penitentiary, in place of Mr. Calhoun, who was absent.

Mr. Sherrod called up the rule offered by himself.

Mr. Clitherall moved to lay it on the table.

Yeas 29, nays 50.

Ayes—Messrs. Speaker, Adams, Bell, Cary, Clitherall, Cooper, Easley, Forney, Fountain, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hudgins, Humphries, Irby, Latham, Oats, Overall, Parsons, Ramsey, Rice, Slater, Tate of Macon, Taylor, Thomas, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Abney, Aldridge, Barlow, Bibb, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carlisle, Chambers, Clapp, Clayton, Coleman, Cowan, Dark, Davidson, Davis, Ferrell, Gibson, Gilchrist, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Jones, Knox, Lesueur, Lloyd, McMurry, Musgrove, Neal, Seay, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Thornton, Walden of Coosa, White.

Mr. Rice gave notice that he would move to re-consider the votes taken on the bill dividing the State into eleven judicial circuits, so as to bring it to the position it had when ordered to a third reading, open for commitment or amendment.

Mr. Sherrod called the previous question.

Sustained.

Yeas 54, nays 28.

Ayes—Messrs. Speaker, Abney, Adams, Barlow, Bowdon, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Chambers, Clapp, Clayton, Cowan, Dark, Davidson, Davis, Ferrell, Forney, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Humphries, Jones, Lane, Latham, Lesueur, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Seay, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Warren, White, Whitfield, Woods.

Nays—Messrs. Aldridge, Bell, Bibb, Cary, Clitherall, Cooper, Cunningham, Easley, Fountain, Gibson, Gilchrist, Hale, Hudgins, Irby, Knox, Oats, Overall, Parsons, Ramsey, Rice,

Slater, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walker, Wright.

The hour of 12 o'clock having arrived, Mr. Smith, of Lauderdale, moved to suspend the special order, to further consider the resolution pending.

Yeas 41, nays 42.

Yeas—Messrs. Speaker, Abney, Barlow, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carlisle, Carter, Clapp, Cowan, Dark, Davis, Ferrell, Forney, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Hightower, Holley of Covington, Hubbard, Jones, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Neal, Seay, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Telford of Wilcox, Thornton, White, Woods.

Nays—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bowdon, Bryan, Cary, Chamber, Clitherall, Cooper, Cunningham, Davidson, Easley, Fountain, Gibson, Goldsmith, Griffin of Dale, Hale, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Irby, Knox, Lane, Mabry, Oats, Overall, Parsons, Ramsey, Rice, Slater, Starke, Tate of Macon, Thomas, Walden of Coosa, Walker, Warren, Whitfield, Wright.

Message from the Senate by Mr. Roberts.

Senate, Jan. 19, 1860.

*Mr. Speaker*: The Senate has originated and passed bills with the following titles:

To amend an act incorporating the Alabama Fire and Marine Insurance Company, of Montgomery county;

Joint resolutions to aid Virginia to pay expenses of Harper's Ferry insurrection;

To incorporate the town of Rockford, in Coosa county;

For the benefit of Jane L. Reed;

To amend the third section of an act to regulate and define the duties and liabilities of railroad companies in this State, approved 6th Feb'y, 1858;

For the relief of Stamford Mims;

Has also passed the House bills of the following titles:

To enable the creditors of Phillip Barton, deceased, to prove their claims;

An act providing for the voters of Winston county, in the State of Alabama, to vote for taxing the citizens of said county, to build a new court house;

To amend an act entitled, an act to locate the county site of Winston county, approved 30th January, 1858;

To compensate B. and M. Haddox for services rendered;



To compensate Dyer T. Blyth for services rendered ;  
 To amend the charter of the LaFayette Branch Railroad Company, and to change the name of said company ;  
 To establish a medical board in the county of Coffee ;  
 For the benefit of the estate of A. J. Brown, in Sumter county.

Has amended, as therein shown, and passed the House bills :  
 To re-organize and fix the times of holding the courts of chancery in the middle chancery division ;

To amend an act to incorporate the Columbus and Tennessee Valley Railroad Company ;

Has passed the Senate bill to incorporate the Troy Insurance Company, in Pike county ;

House bill for the relief of the idiotic sons of Eli Watts, of Marshall county, amended by the Senate.

M. TAUL, Secretary Senate.

#### Message from the Governor.

*Mr. Speaker :* I am instructed by His Excellency, the Governor, to deliver to the House of Representatives the accompanying communication in relation to the Medical College of Mobile :

W. PHELAN, Private Secretary.

EXECUTIVE DEPARTMENT,  
 Montgomery, Ala., Jan. 19, 1860. }

*Gentlemen of the House of Representatives :*

A memorial to the Senate and House of Representatives of the State of Alabama has been forwarded to me by the Trustees of the Medical College of Mobile, with the request that the same be laid before the Legislature.

In obedience to the request, I herewith transmit the said memorial to the House of Representatives. It shows that many of the citizens of Mobile, including the leading physicians of the city, have raised, by subscription, twenty-five thousand dollars for the purpose of establishing a medical college in that place, and that a suitable lot for building has been purchased, as well as an extensive and complete museum, and all the appliances necessary for a thorough course of medical instruction.

The Trustees further show that a spacious building has been erected, the school fully organized, and in active operation, with every prospect of rapid success.

The Trustees ask for an appropriation from the State Treas-

ury, to aid in the erection of a suitable building for the use of the college.

In view of the facts that this is the only medical school in the State, and that the time has arrived when it is of the utmost importance that Alabama should provide her young men and women with schools and colleges of every description, so as to leave them without excuse for patronizing institutions in the non-slaveholding States.

I recommend the appropriation of such amount as may be deemed proper by the legislature to aid the citizens of Mobile in their patriotic efforts to build up a medical college for the benefit of the State at large.

I need not point out to you the great benefit that would result to the State from the permanent establishment of such an institution, as this is done in the memorial to which you are referred.

Respectfully,

A. B. MOORE.

The question then came up on the special order, being the bank bill; the question being on the indefinite postponement of the bill and amendment, pending which the hour of one-half past one o'clock having arrived, the House stood adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

The House met at 3 o'clock.

The roll of members was called, when the following gentlemen answered to their names, and were registered as present, to-wit:

Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Chambers, Clayton, Clitherall, Cooper, Cunningham, Dark, Davidson, Ferrell, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lesueur, Lloyd, Mabry, Martin, McMurry, Neal, Oats, Overall, Parsons, Ramsey, Rice, Seale, Sherrod, Smith of Coosa, Starke, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walker, White, Wright.

The House then resumed the consideration of the special order, the bank bill.

Mr. Ramsey moved to suspend the special order until 11½ o'clock to-morrow.

Carried.

The House then resumed the consideration of the bill to lay off and divide the State into eleven judicial circuits, pending which the hour of 5 having arrived, the House stood adjourned until 10 o'clock to-morrow.

FRIDAY, Jan. 20, 1860.

House met pursuant to adjournment.

Journal read and approved.

Mr. Walker moved to re-consider the vote by which the House referred certain resolutions on federal affairs from the State of South Carolina to the committee on federal relations.

Carried.

The resolutions were then referred to the joint committee, on the part of both Houses.

Message from the Senate by Mr. Roberts.

Senate, January 20th, 1860.

Mr. Speaker : The Senate has originated and passed bills of the following titles :

To increase the salaries of the chancellors of the middle and northern division ;

To establish an institution for the deaf and dumb ;

To increase the salaries of judges of the supreme court ;

To furnish LaGrange military academy with arms, and for other purposes ;

To authorize the commissioners courts in the several counties to compensate physicians for attending to cases of small pox in certain cases ;

To pay witnesses, costs in Lowndes and Montgomery counties in certain cases ;

To incorporate the Eureka mining and manufacturing company ;

To provide for the payment of witnesses, when slaves are convicted of capital offences and pardoned ;

To amend an act to establish jury trials in justices courts, approved 5th February, 1858 ;

To incorporate the Octavia W. LeVert Normal College for young ladies at Dadeville, in the county of Tallapoosa ;

Has amended as therein shown, and passed house bills :

To amend the mechanics' lien law of Dallas, Pike and Coosa counties ;

To amend an act approved Feb. 8th, 1858, to incorporate the male and female academy, in Fayetteville, Talladega county ;

To amend section 1473 of the Code.

The Senate has passed House bills :

For the relief of F. M. Kirksey, executor of R. B. M. Kirksey;

To authorize the election and appointment of an additional county surveyor for Calhoun county;

To authorize the probate court of Russell county, to sanction a division of the slaves of Toliver Jones, deceased, as therein shown;

To allow the qualified voters of Walker county to elect a county surveyor for said county;

To legalize and confirm certain payments made by the tax collector to the tax assessor of Marion county;

To incorporate the Eastern Shore and Mobile steamboat company;

To incorporate the trustees of the Methodist Episcopal Church South, at Montgomery;

To locate permanently the seat of justice, in Washington county;

For the preservation of game in the county of Sumter;

To regulate the trial of assaults and batteries and affrays;

For the relief of Samuel S. Harris, of the county of Autauga.

MICAH TAUL, Secretary Senate.

Mr. Hale, from the select committee, to whom was referred the bill to provide for publishing in two newspapers of different politics in Montgomery, the general and public laws of Alabama, as soon as passed, reported in lieu thereof,

A bill to "prescribe the time at which general and private laws shall take effect."

Mr. Mabry moved to lay the report, together with the bill, upon the table, which motion was carried.

Yeas 59, nays 27.

Yeas—Messrs. Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Cary, Clapp, Clifton, Coleman, Cowan, Dark, Davidson, Davis, Ferrell, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Wright.—59.

Nays—Messrs. Speaker, Bowen, Bowden, Brooks, Chambers, Clayton, Clitherall, Cooper, Cunningham, Flake, Gilchrist, Gold-

smith, Irby, Jack, Jones, Lesueur, Overall, Parsons, Ramsey, Sherrod, Taylor, Thomas, Walden of Morgan, Walker, White, Whitfield, Woods.—27.

Mr. Starke moved to suspend message from the Senate to go into the call of the counties.

Lost.

The House refused to concur in the amendment of the Senate to the House bill, for the relief of the idiotic sons of Eli Watts, of Marshall county.

The House concurred in the amendments of the Senate to the bill to amend an act, approved February 8th, 1858, to incorporate the male and female academy in Talladega county.

To amend an act to incorporate the Columbus and Tennessee valley railroad company ;

The House bill amended by the Senate,

To re-organize and fix the times of holding the courts of chancery in the middle chancery division.

On motion of Mr. Hale, was postponed until 12 o'clock to-morrow.

Under a suspension of the constitutional rule, the following Senate bills were read the first and second times forthwith, and referred to the following committees :

To banks and banking :

A bill to amend an act to incorporate the Alabama fire and marine insurance company of Montgomery ;

To repeal in part an act to legalize the suspension of specie payments by the Central and Commercial Banks ;

To propositions and grievances :

A bill for the relief of Green Loveless.

To the delegation from Montgomery :

A bill to increase the pay of witnesses in the county of Montgomery.

To the judiciary :

Bill to provide for a digest of the statute laws of Alabama.

To create an additional term of the chancery court for the 26th chancery division ;

To prevent the evils of local legislation, as to toll gates and bridges, and for other purposes therein named ;

To amend section 2318 of the Code.

To corporations :

A bill to incorporate the Troy insurance company, in Pike county ;

To incorporate the Alabama Baptist State Convention ;

To local legislation :

A bill to amend the charter of the East Alabama male and female college at Auburn ;

To incorporate the Opelika male academy ;

To incorporate the Tuscaloosa female college ;

To amend the charter of the city of Montgomery.

Internal improvements :

A bill to amend the 3d section of an act to regulate and define the duties and liabilities of Railroad companies in this State, approved 6th February, 1858 ;

Under a suspension of the constitutional rule, the bill making appropriations to pay the expenses of illuminating the Capitol on the 9th of January, 1860, was read the first, second, and third times forthwith, and passed.

Pending the consideration of the senate joint resolutions "to aid Virginia to pay expenses of Harper's Ferry insurrection." The hour of 12 o'clock having arrived, the house proceeded to the consideration of the special order being the bank bill, the question being on the indefinite postponement of the bill and amendment pending, which the hour of half-past one having arrived the house stood adjourned until 10 o'clock to-morrow.

SATURDAY MORNING, Nov. 21, 1860.

The house met at 10 o'clock.

Journal read and approved.

Mr. Oats moved to re-consider the vote by which the house referred the bill, fixing the time of holding the chancery courts in the 25th division, county of Lauderdale to the judicial committee ; reconsidered. The bill was then read third time under a suspension of the constitutional rule and passed.

Mr. Speaker laid before the house sundry records of divorce, which were referred to committee on divorce and alimony.

Mr. Starke moved to suspend the consideration of senate message in order to go into a call of the committees.

Carried.

The following bills were introduced, read 1st and 2d times under a suspension of the constitutional rule, and referred to the judiciary :

Mr. Griffin, of Dale : To regulate the drawing of grand jurors for the county of Dale ;

Mr. Gibson : to equalize the salaries of State officers in this State ;

Mr. Gilchrist : to make slaves and free persons of color competent witnesses in certain cases ;

Mr. Woods : to equalize the taxes on goods sold in this State.

Mr. Walker presented the petition of sundry citizens of Mobile against the enactment of any law prohibiting the employment of negroes as mariners, &c., on ships or other vessels.

Mr. Overall : for the relief of the children of John Stewart and Rose Stewart ;

Mr. Lowe : to enable Nick Davis, trustee, to change the investment of trust funds.

Under the same order of suspension the following were referred to local legislation.

Mr. Walden, of Coosa : to incorporate the Wetumpka male academy at Wetumpka in Autauga county ;

Mr. Rice : to authorize the justices of the peace in beat No. 6 in the county of Montgomery to appoint special constables in certain cases ;

Mr. Walker presented the petition from proprietors of Restaurants in Mobile in reference to licenses ;

Mr. Cooper : to authorize H. S. Bryan and Brogdon to build a toll bridge across Chattooga river in Cherokee county ;

Under the same order of suspension, the following bills were introduced and referred to the committee on ways and means.

Mr. Clayton : to increase the fees of coroners ;

Mr. Walden, of Coosa : to amend so much of section 397 and 399 and 400 as relates to the sale of slaves by license ;

Mr. Fountain : requiring the presentation of claims against the county of Dale ;

Mr. Rice : to prevent the people of this State from the payment of double taxes in certain cases ;

Mr. Shepard : to make uniform the receipts of tax collectors ;

Under the same order of suspension the following bills were introduced and referred to the committee on corporations :

Mr. Davidson : for the incorporation of " six mile ;"

Mr. Wright : to incorporate the town of Oxford in Calhoun county ;

Mr. Cooper presented a petition with instruction to the committee to report by bill or otherwise ;

Mr. Lane introduced a bill for the relief of the heirs at law of John E. Sentell, deceased, which was read the 1st and 2d times under a suspension of the constitutional rule, and referred to the committee on 16th section ;

Mr. Cooper introduced a bill to prevent the sale of vinous or spirituous liquors at or within one mile of the town of Centre in Cherokee county ; which was read the 1st and 2d times under a suspension of the constitutional rule, and referred to the delegation from Cherokee.

The following bills were introduced, read 1st, 2d, and 3d times

forthwith under a suspension of the constitutional rule, and passed.

Mr. Hardwick: to authorize the administrator of Jno. C. Bates late of Cherokee county to sell slaves and invest the proceeds in lands;

Mr. Griffin, of Dale: to regulate the pay of commissioners for the county of Dale;

Mr. Mabry: to incorporate the Alabama presbytery of the Cumberland Presbyterian church;

Also, a bill to revive and amend the act incorporating the Selma fire company;

Mr. Thomas: to prevent the sale of spirituous liquors within one mile of Judson academy in Henry county;

Mr. Davis to prohibit the sale of intoxicating liquors within certain limits within Limestone county;

Mr. Smith, of Lauderdale: to authorize the State Treasurer to purchase a fireproof safe;

Mr. Walker: to incorporate the Samaritan society of Mobile.

Mr. Meek: to amend the act to incorporate the Catholic female charitable society of Mobile, approved 5th February, 1840.

Mr. Bradley, to amend the charter of the Marion and Cahaba Railroad Company;

Mr. Hearin of Clarke, presented the petition of O. S. Jewett and others, which was referred to the delegation from Madison and Montgomery.

Mr. Coleman introduced a bill for the relief of V. J. McGill and J. C. Foster of Fayette county, which was read the first and second times forthwith, the constitutional rule being suspended, and referred to the committee on accounts and claims.

Mr. Gilchrist introduced a bill for the relief of John H. Caffey of Lowndes county, which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on propositions and grievances.

Under the same order of suspension, Mr. Gilchrist introduced a bill to provide for the further extension of debts due for the purchase of school lands in this State; referred to the committee on education.

Also, a bill to incorporate the Lowndesboro' Guards, which was referred to the committee on military.

Mr. Overall, a bill to provide a method for the sale of lands for the city taxes in the city of Mobile, read first and second times forthwith, constitutional rule being suspended, and referred to the delegation from Mobile.

Mr. Hale moved to reconsider the vote by which the House made the special order of 12 o'clock to-day, of a certain bill.



Carried.

Mr. Abney, a bill to change the county boundaries between the counties of Monroe and Clarke, read first and second times, under a suspension of the constitutional rule, and referred to the committee on county boundaries.

Message from the Senate by Mr. Roberts.

Senate, Jan. 20, 1860.

*Mr. Speaker:* The Senate has originated and passed bills of the following titles:

To amend the charter of the Wetumpka Insurance Company;

To construct and extend the operations of section 191 and 192 of the Code of Alabama;

Also, the house bill:

To amend an act therein named;

Also, amended the caption and passed the House bill

To enlarge the provisions of section 1738 of the Code.

M. TAUL, Secretary Senate.

Mr. Clitherall introduced a bill to provide for publishing the general and public acts as soon as they are passed, in one newspaper in the city of Montgomery, at a cost not to exceed one hundred dollars.

Mr. Speaker, (Mr. Irby in the Chair,) moved to strike out "each" and insert "any one."

Adopted.

Mr. Brown of Marion moved a reference of the bill to a select committee.

Lost.

Mr. Hobbs moved to amend by adding,

*Provided*, The Secretary of State shall allow no compensation for the publication of any act, in which a typographical error occurs.

Mr. Speaker moved to amend the amendment by inserting the word "material" before the word "typographical."

Adopted.

Mr. Oates moved to amend so as to furnish one hundred copies of said papers, for the use of members of this House for distribution.

Mr. Clitherall moved to lay the amendment on the table.

Mr. Tait of Wilcox moved to lay the bill and amendment on the table.

A division of the question being called for, the amendments were first laid on the table, the bill was also then laid on the table.

Yeas 63, nays 20.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Bowen, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Cary, Clapp, Clifton, Coleman, Cowan, Dark, Davidson, Davis, Ferrell, Forney, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Jack, Jones, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Meadows, Musgrove, Neal, Oats, Parsons, Seay, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Morgan, Wright, Woods.—63.

Nays—Messrs. Speaker, Bradley, Brooks, Clayton, Clitherall, Cooper, Easley, Gibson, Irby, Lesueur, Overall, Ramsey, Rice, Scott, Seale, Thomas, Walker, Warren, White, Whitfield.—20.

Under a suspension of the constitutional rule, the following bills were introduced, read first and second times and referred to the following committees:

To the judiciary committee:

To prevent disclosures before the Grand Jury;

Mr. Lloyd: to declare Thomas Watson a citizen of St. Clair county.

Mr. Ramsey: to give a right of action in certain cases, for injuries to the person or property;

Mr. Whitfield: joint resolutions, authorizing the Governor of the State to investigate the title of the State to the allennial and made lands in the city of Mobile;

Mr. Griffin of Jackson: a bill in relation to the killing of domestic animals by railroad trains;

Mr. Goldsmith: to render competent the testimony of accomplices in certain cases.

To the committee on ways and means:

Mr. Ramsey: to tax peddling by samples in this State;

Mr. Dark: to amend the revenue laws of the State of Alabama;

Mr. Tait of Wilcox: to amend 3d paragraph of section 397 of the Code.

To county boundaries:

Mr. Goldsmith: for the relief of Capers Manafee.

To the military:

Mr. Hearin of Tallapoosa: to incorporate the Southern Guards at Tallassee in Tallapoosa county.

The following bills were introduced, read first, second, and

third times forthwith, under a suspension of the constitutional rule, and passed :

Mr. Starke: a bill to incorporate the Troy Railroad Company ;

Mr. Tait of Wilcox: to repeal an act therein named ;

Mr. Bibb: to repeal section 496 of the Code, so far as it relates to Winston County ;

Mr. Brown of Marion: to appoint commissioners to examine into the condition of public offices in Marion county ;

Mr. Starke introduced a bill to incorporate the Indian Creek Male and Female Academy in Pike county ;

Mr. Lowe moved a reference of the bill to the committee on local legislation.

Lost.

The constitutional rule was then suspended, the bill read first and second times forthwith, and ordered to be engrossed.

Mr. Parsons offered the following resolution, which was adopted :

*Whereas*, At the last session of the Legislature of this State, several acts were passed, granting unconditionally, certain lands to the different railroad companies in this State, which, by acts of Congress, had been granted to this State to aid in the construction of railroads in said act named ; and whereas, it is desirable to ascertain if it is yet in the power of the Legislature, to so modify said grants as to direct the lands to be sold and the proceeds of the said land to be invested in stock or bonds of said company. Therefore, be it—

*Resolved*, That the judiciary committee be instructed to inquire and report at an early day, by bill or otherwise, their judgement in the premises, and what course of action is proper to be taken.

Mr. Mabry moved to take up the Senate bill to amend section 1136 and 1137 of the Code, so far as it relates to Monroe county.

Carried.

Bill referred to the committee on roads, bridges, and revenues.

Mr. Clayton from committee on the military, reported a substitute, incorporating various military companies, which was adopted.

Mr. Rice moved to suspend reports in order to proceed to the consideration of the Bank Bill.

Carried.

Mr. Ramsey gave notice that he would offer to amend the bill by an additional section: "*And be it further enacted*, That

within two years after said bank shall go into operation it shall pay as a further bonus for this charter the sum of twenty-five thousand dollars to the trustees of the medical college in Mobile to be appropriated by them for the benefit of said institute, one-half of said sum to be paid within the first year and the other half within the second year after the said bank shall go into operation.

Mr. Smith of Lauderdale, moved to suspend the rule requiring this house to adjourn at half past one.

Lost.

The hour of half-past one having arrived the house stood adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

The house met at 3 o'clock, the roll was called and the following members answered to their names :

Messrs. Speaker, Adams, Aldridge, Bell, Bowen, Bradley, Brown of M., Brown of Tuscaloosa, Burgess, Bush, Carter, Clapp, Clayton, Clifton, Clitherall, Cooper, Dark, Easley, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hearin of Tallapoosa, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Irby, Jack, Jones, Knox, Latham, Lloyd, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Seay, Seale, Smith of Coosa, Thomas, Thornton, Walker, Warren, White—52.

Leave of absence was granted Messrs. Humpries, Walden of Coosa, Lane, and Taylor.

On motion of Mr. Rice the rule requiring the house to adjourn at 5 o'clock was suspended.

Mr. Rice then withdrew his motion to postpone the bill and amendments indefinitely.

Mr. Speaker (Mr. Holley in the chair,) moved to amend the amendment of the committee by striking out of the 1st section the words "North and South," which was laid on the table.

Yeas, 52; nays, 28.

Yeas—Messrs. Adams, Aldridge, Barlow, Bibb, Bowen, Brooks, Bryan, Burgess, Bush, Clapp, Clayton, Clitherall, Cooper, Cowan, Davidson, Davis, Easley, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Jack, Jones, Knox, Latham, Lloyd, Martin, Meadows, Oats, Rice, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Warren, Wright, Woods.—52.

Nays—Messrs. Speaker, Bell, Bradley, Brown of Marion, Brown of Tuscaloosa, Carter, Clifton, Coleman, Dark, Ferrell, Hale, Hearin of Clarke, Hightower, Irby, Lesueur, Lowe, Mabry, McMurry, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Slater, Walker, White, Whitfield—28.

Mr. Mabry by leave of the house, then withdrew his amendment.

Mr. Lloyd moved to amend as follows: insert after the words North and South Alabama Railroad, *and the Central Railroad.*

Laid on the table.

Yeas, 47; nays, 29.

Yeas—Messrs. Adams, Aldridge, Bibb, Brooks, Brown of Marion, Bryan, Bush, Cary, Clapp, Clitherall, Cooper, Davidson, Davis, Easley, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Jones, Knox, Latham, Lowe, Meadows, Musgrove, Oats, Rice, Scott, Seale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Walden of Morgan, Whitfield, Wright, Woods.—47.

Nays—Messrs. Speaker, Bell, Bradley, Brown of Tuscaloosa, Burgess, Carter, Clifton, Coleman, Cowan, Dark, Ferrell, Hale, Hearin of Clarke, Hightower, Huckabee, Irby, Lesueur, Lloyd, Mabry, Martin, McMurry, Neal, Overall, Ramsey, Seay, Slater, Walker, Warren, White.—29.

Mr. Speaker, (Mr. Irby in the chair,) moved to amend as follows, in the 9th line of the 1st section of the amendment of the committee strike out one year and insert six months.

Laid on the table on motion of Mr. Rice.

The amendments of the committee were then adopted.

Yeas, 55; nays, 25.

Yeas—Messrs. Adams, Aldridge, Bibb, Bowen, Brooks, Brown of Marion, Bryan, Burgess, Bush, Cary, Clapp, Clifton, Clitherall, Cooper, Cowan, Davidson, Davis, Easley, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Jack, Jones, Knox, Latham, Lloyd, Martin, Meadows, Musgrove, Oats, Rice, Seale, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Warren, Wright, Woods.—55.

Nays—Messrs. Speaker, Bell, Bradley, Brown of Tuscaloosa, Carter, Clayton, Coleman, Dark, Ferrell, Hearin of Clarke, Hightower, Irby, Lesueur, Lowe, Mabry, McMurry, Neal,

Overall, Ramsey, Scott, Seay, Slater, Walker, Warren White.  
—25.

Mr. Walker moved to amend as follows :

SEC. 26. *And be it further enacted*, That if the bank does not go into operation within one year from the passage of this act then and in that case the capital stock thereof shall not exceed sixteen hundred and sixty-seven thousand dollars, three fifths of which capital may be subscribed for by individuals and two fifths of which shall be reserved for the State of Alabama, and no individual or firm shall take or subscribe for a greater amount than one hundred shares of the capital stock of said bank.

SEC. 27. *And be it further enacted*, That no corporation other than the State shall take or subscribe for stock in said bank unless said bank goes into operation within one year after the passage of this act.

SEC. 28. *And be it further enacted*, That if the bank does not go into operation within one year from the passage of this act, then, and in that event the said bank shall pay annually into the Treasury of the State on or before the first day of November in each year after it shall have gone into operation, and while the bank shall continue banking business, an amount equal to thrice the taxation which may be assessed on every hundred dollars of the value of land for the time being by the State on each share of stock of the bank, which shall be in lieu of all taxation, whatever by the State, county, city, or other authority on the capital stock or business of the bank :

*Provided*, That all real estate owned by the bank shall be subject to any taxes, as if held by an individual.

SEC. 29. *And be it further enacted*, That if the bank does not go into operation within one year after the passage of this act, then, and in that case, the Proviso to the fifth section of this act shall be will void and inoperative.

SEC. 30. *And be it further enacted*, That if said bank should not go into operation within one year from the passage of this act, then, and in that case the 20th section of this act shall be inoperative and void.

Mr. Rice moved to amend the amendment by striking out all after the words sixteen hundred and seventy-seven thousand dollars down to "and," and insert the following :

Two fifths of which shall be reserved to the State and all of the remaing three fifths of the capital which may not have been subscribed for by individuals of corporations, under the preceding section of this act within one year from the passage of this act may be subscribed for by individuals.

Adopted.

Mr. Parsons moved to amend as follows: *Provided, further*, that the money subscribed and paid in on account of said Railroad stock shall be used in good faith in the construction of said road as fast as practicable, and in default thereof the charter of said bank shall be forfeited.

Mr. Lloyd moved to adjourn until 10 o'clock on Monday.

Lost.

Mr. Hale moved to lay the amendment of Mr. Parsons on the table.

Carried.

Yeas, 45; nays, 29.

Yeas—Messrs. Speaker, Adams, Bibb, Bradley, Brooks, Brown of Marion, Bryan, Clitherall, Davidson, Davis, Easley, Forney, Fountain Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Irby, Jack, Jones, Knox, Mabry, Martin, Musgrove, Oats, Rice, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Thomas, Walden of Morgan, Warren, White, Wright Woods.—45.

Nays—Messrs. Aldridge, Bell, Brown of Tuscaloosa, Bush, Carter, Cary, Clifton, Coleman, Cowan, Dark, Ferrell, Griffin of Jackson, Hardwick, Hightower, Latham, Lesueur, Lloyd, Lowe, McMurry, Neal, Overall, Ramsey, Scott, Seay, Smith of Coosa, Tate of Macon, Thornton, Walker, Whitfield.—29.

Mr. Rice moved to strike out section 27 of Mr. Walker's amendment.

Carried.

The several amendments of Mr. Walker as amended, were then adopted.

Mr. Hale moved to amend as follows: Add to the 25th section "which shall be faithfully applied to the construction of said road in a reasonable time, and any failure so to apply it with the consent or connivance of the stockholders themselves shall operate as a forfeiture of the bank charter hereby granted."

Mr. Parsons moved to amend the amendment by adding directors after stockholders.

Which, on motion of Mr. Davis, was laid on the table.

Yeas 50, nays 25.

Yeas—Messrs. Speaker, Adams, Aldridge, Bibb, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Cary, Clitherall, Cooper, Cowan, Davidson, Davis, Easley, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Irby, Jack, Jones, Knox, Lloyd, Martin, Musgrove, Oats, Rice, Seale,

Sherrod, Slater, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Walden of Morgan, White, Whitfield, Wood.—50.

Nays—Messrs. Abney Bell, Bush, Carter, Clapp, Clifton, Coleman, Dark, Ferrell, Forney, Hardwick, Hightower, Latham, Lesueur, Lowe, Mabry, McMurry, Neal, Ramsey, Scott, Seay, Smith of Coosa, Thornton, Walker, Wright.—25.

Mr. Speaker, (Mr. Irby in the chair) moved to amend by adding the words, "negligence or inattention," after connivance; which was accepted by Mr. Hale, and his amendment was then adopted.

On motion of Mr. Davis, the amendment of Mr. Ramsey was laid on the table.

Mr. Rice moved to lay all other amendments on the table.

Mr. Irby in the chair, decided if there was no objection, that all the amendments would be considered as laid on the table.

The bill was then read a third time forthwith and passed.

Yeas 58, nays 29.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Brooks, Brown of Marion, Rryan, Bush, Carter, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham, Davidson, Davis, Hasley, Flake, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Jack, Jones, Knox, Lane, Latham, Lloyd, Martin, Musgrove, Oats, Rice, Seale, Sherrod, Smith of Coosa, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Wright, Woods.—58.

Nays—Messrs. Speaker, Abney, Bibb, Bradley, Burgess, Cary, Clitherall, Coleman, Dark, Ferrell, Griffin of Jackson, Hearin of Clarke, Herman, Hightower, Irby, Lesueur, Lowe, Lowe, Mabry, McMurry, Neal, Overall, Parsons, Ramsey, Scott, Seay, Slater, Smith of Lauderdale, Walker, Warren, White, Whitfield.—29.

When on motion of Mr. Rice, the title was so amended as to read as follows :

A bill to incorporate the bank of Alabama, and for other purposes.

On motion of Mr. Oats, the house adjourned until 10 o'clock on Monday.

MONDAY, 23rd January, 1860.

The House met pursuant to adjournment.

The journal was partly read and suspended.

Leave of absence was granted to Mr. Jones.

Mr. Speaker laid before the House sundry records of divorce, which were referred to committee on divorce and alimony.



Mr. Clitherall moved to suspend the call of the counties to take up the general Senate messages ; which was carried.

The message of the Governor was read and referred to the committee on the university.

Message from the Senate.

*Resolved by the Senate* (House concurring), That a committee of five shall be appointed by each House, to which joint committee shall be referred the resolutions of South Carolina, in relation to federal affairs. Messrs. Jones of Greene, Jemison, Bullock, Patton, and Stone, compose said committee.

The House concurred in the resolution and appointed Messrs. Cooper, Bradley, Hobbs, Ramsey, and Knox, said House committee.

The following Senate bills were read the first and second time, under a suspension of the constitutional rule, and referred to the committee on the judiciary :

To construe and extend the operation of sections 1991 and 1992 of the Code of Alabama ;

To pay witnesses and costs in Lowndes and Montgomery counties, in certain cases ;

To provide for the payment of witnesses where slaves are convicted of capital offences and pardoned ;

To amend an act to compensate tales jurors ;

To amend an act entitled an act to establish jury trials in justices court, approved 5th February, 1858.

The following Senate bills were read the first second and third times, under a suspension of the rule, and passed :

To incorporate the Eureka manufacturing and mining company ;

For the relief of Jane L. Reed ;

To incorporate the Octavia W. Levert Normal College, for young ladies at Dadeville, in the county of Tallapoosa ;

To furnish LaGrange military academy with arms, and for other purposes ;

The Senate bill for the relief of Stanford Mimm, was read first and second time, under a suspension of the rule.

Mr. Parsons moved to refer the bill to the judiciary committee.

Lost.

The bill was then read a third time under the suspension of the constitutional rule, and passed.

Joint resolutions from the Senate to aid Virginia to pay expenses of Harper's Ferry insurrection ; which,

On motion of Mr. Starke, was laid on table.

The House concurs in the Senate's amendment to the caption of the House bill to construe section 1738 of the Code.

The Senate bill to establish an institution for the deaf and dumb was read the first and second times under a suspension of the constitutional rule, and referred to the committee on education.

The Senate bill to amend the charter of the Wetumpka insurance company was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on banks and banking.

The Senate bill incorporating the town of Rockford, in the county of Coosa, was read first and second times, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The Senate bill to authorize the commissioners courts in the several counties of this State, to compensate physicians for attending to cases of small pox, in certain cases, was read the first and second times, under a suspension of the constitutional rule.

Mr. Starke moved to amend the first section by striking out all after the enacting clause, and inserting a provision paying to doctors Amerine and Fannin, one thousand dollars out of the State treasury.

Mr. Flake moved to amend the amendment as follows:

*Be it further enacted*, That doctors W. L. Locke, E. S. Hays and B. C. Flake, be paid one thousand dollars each, out of the treasury from any funds not otherwise appropriated.

Mr. Knox moved to further amend the amendment by adding the names of Drs. Anderson, Hammond and Meadows.

The bill and amendments was on motion of Mr. Overall, referred to the committee on ways and means.

The House concurs in the Senate's amendments to the House bill to amend the mechanics lien law of the counties of Dallas, Coosa and Pike.

The House concurs in the Senate's amendment to the House bill to amend section 1473 of the Code.

The Senate bill to increase the salaries of the judges of the supreme court were read the first and second times under a suspension of the constitutional rule, and ordered to a third reading.

Message from the Senate.

Senate, Jan. 23, 1860.

Mr. Speaker: The Senate has originated and passed bills of the following titles:

To amend an act to compensate tales jurors ;

To provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the foundation of a new constitution.

Has refused to pass the House bill to regulate the pay of witnesses in criminal cases.

The Senate bill to increase the salaries of the chancellors of the middle and northern divisions, which was read the first and second times under a suspension of the constitutional rule.

Mr. Overall moved to amend by adding, judges of circuit courts after chancellors.

The bill and amendments were referred to committee on ways and means.

The Senate bill to provide for the calling of a convention of the people of Alabama for the purpose of amending the constitution thereof, or the formation of a new constitution, which was read the first and second times under a suspension of the constitutional rule, and on motion of Mr. Clitherall, was made the special order for the hour of 12 on Friday, the 27th inst.

Mr. Hale moved that the House consider his motion to reconsider the vote by which the engrossed House bill to reorganize and fix the times of holding the courts of chancery in the middle chancery division, was postponed and made the special order for Saturday, 28th inst., at 12 o'clock ; which motion prevailed, and the House refused to concur in the Senate's amendment to said bill.

The engrossed House bill to secure more efficiency in the working of roads in Sumter county, was read the third time, and on motion of Mr. Bamsey, was laid on the table.

Engrossed House bills :

To provide for the payment of detached halves of bank bills issued by the Bank of the State of Alabama, and branches ;

To incorporate the Woodlawn Female Institute, in Macon county ;

The better to secure the collection of certain taxes ;

To make the clerk of the city court of Mobile elective by the people ;

To authorize Samuel Crosby and J. L. Bailey to erect fish traps on Big Bear Creek, in the county of Franklin ;

To authorize justices of the peace to appoint overseers of roads in Pickens county, and for other purposes ;

For the relief of Thomas M. Hill and others, of Sumter county ;

To incorporate the Bienville Hotel Company, of Mobile ;

For the relief of the estate of Gray Little ;

To give to the intendant of Orion justices' jurisdiction, and for other purposes;

Which bills were severally read the third time and passed.

The bill to exempt certain property from levy and sale, the question being upon the adoption of the amendment of Mr. Hale, which was adopted.

The question then was upon the adoption of the amendment of Mr. Walden, of Coosa, which on motion was laid on the table.

Yeas 41, nays 30.

Ayes—Messrs. Speaker, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Clapp, Clifton; Coleman, Cooper, Dark, Davidson, Davis, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hudgins, Jack, Latham, Lesueur, Lloyd, Lowe, Martin, Musgrove, Oats, Overall, Seale, Sherrod, Thomas, White, Whitfield, Wright.

Nays—Messrs. Abney, Adams, Aldridge, Bell, Brown of Marion, Burgess, Clitherall, Cowan, Goldsmith, Holley of Covington, Huckabee, Humphries, Lane, Mabry, McMurry, Neal, Parsons, Ramsey, Scott, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walden of Morgan, Walker, Warren.

The bill was then read third time and passed.

Yeas 71, nays 8.

Ayes—Messrs. Abney, Adams, Aldridge, Barlow, Bibb, Bradley, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Flake, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Lowe, Mabry, Martin, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Saott, Seay, Seale, Shepard, Sherrod, Starke, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Bell, Brown of Marion, Goldsmith, Hightower, Holley of Covington, McMurry, Smith of Coosa.

The bill for the relief of Wm. J. Kennedy was read the third time and passed.

Yeas 48, nays 24.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Bell, Bowdon, Bradley, Brown of Tuscaloosa, Bryan, Bush,

Cary, Clapp, Coleman, Cunningham, Davidson, Davis, Easley, Flake, Forney, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Holley, of Tallapoosa, Huckabee, Irby, Jack, Knox, Lane, Lowe, McMurry, Overall, Scott, Shepard, Sherrod, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren, Whitfield, Wright, Woods.

Nays—Messrs. Brown of Marion, Burgess, Carter, Clifton, Clitherall, Cowan, Dark, Ferrell, Fountain, Gibson, Hardwick, Herren of Tallapoosa, Herman, Holley of Covington, Humphries, Latham, Lloyd, Musgrove, Neal, Parsons, Seay, Seale, Smith of Coosa, Thornton.

Mr. Clitherall moved to reconsider the vote by which the House refused to order to a third reading the bill for the relief of Herbert C. Childress and others, which was carried.

Mr. Starke moved to lay the bill on the table.

Yeas 34, nays 48.

Yeas—Messrs. Aldridge, Bell, Bibb, Brown of Marion, Burgess, Carter, Clifton, Coleman, Cowan, Dark, Ferrell, Fountain, Gibson, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Herman, Holley of Covington, Latham, Lesueur, Lloyd, Mabry, Martin, Musgrove, Neal, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thornton, Walden of Coosa, Warren.

Nays—Messrs. Speaker, Abney, Adams, Barlow, Bowen, Bowdon, Bradley, Brown of Tuscaloosa, Bryan, Bush, Cary, Chambers, Clapp, Clayton, Clitherall, Cunningham, Davidson, Davis, Easley, Flake, Forney, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Lowe, McMurry, Oats, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Sherrod, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Whitfield, Wright, Woods.

The bill was then ordered to a third reading forthwith: read the third time and passed.

Yeas 53, nays 29.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bibb, Bowen, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Cary, Chambers, Clapp, Clayton, Cooper, Cunningham, Davidson, Davis, Easley, Flake, Forney, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Hightower, Holley of Tallapoosa, Huckabee, Hudgins, Irby, Lane, Lowe, McMurry, Meadows, Overall, Ramsey, Rice, Scott, Seale, Shepard, Sherrod, Slater, Tate of Macon, Tait of Wilcox,

Thomas, Walden of Morgan, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Aldridge, Bell, Burgess, Carter, Clifton, Clitherall, Coleman, Dark, Ferrell, Fountain, Gibson, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Herman, Holley of Covington, Humphries, Latham, Lesueur, Lloyd, Mabry, Neal, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Thornton, Walden of Coosa, Warren.

Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act for the benefit of the legatees of James Eddins, deceased, of Pickens county;

An act to incorporate the South-western Railroad Company;

An act to locate permanently the seat of justice of Choctaw county;

An act to authorize Jno. A. Lodor, of Dallas county, to pay over certain moneys in his hands as administrator, belonging to unknown heirs, or to the State;

An act to divorce Henrietta Earnest from Edward J. C. Earnest, and to divorce other persons therein named;

An act to authorize the probate court of Russell county to sanction a division of the slaves of Toliver Jones, deceased, as therein shown;

An act to divorce Arthur Avery from his wife, Ann Avery, and to divorce other persons therein named;

An act to amend the charter of the town of Demopolis, and to confer additional powers on the corporate authorities of said town;

An act to locate permanently the seat of justice in Henry county;

An act for the benefit of the estate of A. J. Brown, in Sumter county;

An act to compensate Dyer T. Blythe, for services rendered;

An act to repeal and amend the road laws in Jackson county;

An act to consolidate the offices of tax collector and assessor in Marion county;

An act to divide the counties of Winston and Shelby into commissioners' districts;

An act to regulate suits brought before justices of the peace in Marshall county;

An act to amend an act approved 16th December, to regulate the sale of spirituous liquors in the town of Elyton;

An act to compensate Burrill Haddox and Madison Haddox for services rendered ;

An act to change the times of holding the chancery courts in the 37th district, in the northern division ;

An act to enable the creditors of Phillip Barton, deceased, to prove their claims ;

An act to compel county treasurers to keep their offices within a mile of the court house ;

An act to provide for the voters in Winston county to vote for taxing the citizens of said county to build a new court house.

W. PHELAN, Private Secretary.

Mr. Walker moved to postpone all the special orders in their order, to take up and consider the bill to lay off and divide the State into eleven judicial circuits.

Carried.

The question being on the motion of Mr. Clitherall to re-consider the vote by which the House refused to pass the bill. Reconsidered.

Yeas 58, nays 30.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bowdon, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Cooper, Cunningham, Dark, Davidson, Ferrell, Fielder, Flake, Forney, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Irby, Knox, Lane, Latham, Lesueur, Mabry, Martin, McMurry, Meadows, Rice, Seale, Shepard, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren, Whitfield, Woods.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Clifton, Coleman, Cowan, Davis, Easley, Gibson, Griffin of Jackson, Hardwick, Holley of Covington, Huckabee, Hudgins, Humphries, Jack, Lloyd, Lowe, Musgrove, Neal, Oats, Ramsey, Scott, Seay, Sherrod, Smith of Lauderdale, Taylor, Thornton, Walden of Coosa, Wright.

Mr. Rice moved to re-consider the vote by which the main question was sustained on the passage of the bill.

Carried.

Mr. Shepard moved to suspend the rule requiring the house to adjourn at one-half past one o'clock.

Carried.

Mr. Clitherall moved to amend by way of engrossed ryder

section: *And be it further enacted*, That after the said first day of July next, all summons, executions, subpoenas, commissions, and other processes issued from any of the circuit courts, or by any of the clerks thereof, returnable to the terms of said courts, or either of them, as now held by law, shall be taken and held returnable to the terms of said courts, as by this act prescribed.

Which was read the first, second, and third times, and passed.

Mr. Davis moved to amend by way of engrossed ryder,

*Provided*, The Solicitors for the old circuits shall attend to all the indictments and suits now pending in any of the counties.

Mr. Clitherall moved the previous question, which was sustained.

Yeas 63, nays 19.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bowdon, Bradley, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Flake, Forney, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Irby, Knox, Lane, Latham, Lesueur, Mabry, McMurry, Meadows, Neal, Parsons, Seay, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Warren, Whitfield Woods.—63.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Clifton, Davis, Gibson, Hardwick, Holley of Covington, Humphries, Jack, Lloyd, Lowe, Musgrove, Oats, Scott, Sherrod, Thornton, Walden of Coosa, Wright.—19.

The question then was on the passage of the bill, and it passed.

Yeas 53, nays 35.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bowen, Bowdon, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clayton, Cooper, Cunningham, Dark, Davis, Ferrell, Flake, Forney, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Irby, Knox, Lane, Lesueur, Mabry, McMurry, Meadows, Parsons, Seale, Shepard, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Warren, Whitfield, Woods.—53.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Burgess, Clifton, Clitherall, Coleman, Cowan, Davidson, Easley, Fielder, Gibson, Griffin of Jackson, Hardwick, Holley of Covington, Huckabee, Humphries, Jack, Latham, Lloyd, Lowe, Musgrove,



Neal, Oats, Overall, Ramsey, Scott, Seay, Sherrod, Smith of Lauderdale, Taylor, Thornton, Walden of Coosa, Walker, Wright.—35.

Mr. Irby moved to re-consider the vote just taken, and to lay that motion on the table.

Carried.

Mr. Speaker, (Mr. Whitfield in the Chair,) moved, two minutes to 2 o'clock, to adjourn until to-morrow morning.

Lost.

Yeas 33, nays 36.

Ayes—Messrs. Speaker, Adams, Bowen, Bryan, Burgess, Chambers, Clitherall, Cunningham, Dark, Ferrell, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Humphries, Irby, Knox, McMurry, Overall, Parsons, Seay, Shepard, Smith of Coosa, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Whitfield, Woods.—33.

Nays—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Bowdon, Brown of Marion, Bush, Clapp, Clifton, Coleman, Cooper, Cowan, Davidson, Davis, Gibson, Goldsmith, Hale, Hardwick, Hearin of Clarke, Herman, Huckabee, Hudgins, Lane, Latham, Lloyd, Lowe, Meadows, Musgrove, Neal, Ramsey, Seale, Sherrod, Taylor, Walker, Wright.—36.

Mr. Ramsey asked leave to offer the following resolution :

*Resolved*, That the two Houses, (the Senate concurring,) shall meet in convention on the 25th inst. at 11 o'clock, in this hall, for the purpose of electing solicitors in the different circuits where elections are to be made this session ; to begin with the first circuit and proceed regularly from day to day until all the elections are made.

Mr. Speaker moved a call of the roll, 61 members answered to their names, viz :

#### CALL OF THE ROLL.

Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowen, Bowdon, Brown of M., Burgess, Bush, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Davidson, Davis, Ferrell, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Lane, Latham, Lloyd, Lowe, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Seay, Seale, Shepard, Sherrod, Smith of Coosa, Tait of Wilcox,

Thomas, Thornton, Walden of Coosa, Walker, Whitfield, Wright, Woods.—61 present.

Mr. Clitherall moved, ten minutes to 2 o'clock, to adjourn until 10 o'clock to-morrow morning.

Lost.

Yeas 31, nays 32.

Yeas—Messrs. Speaker, Bell, Bowen, Burgess, Clitherall, Dark, Ferrell, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Irby, Knox, Lloyd, McMurry, Overall, Rice, Seay, Seale, Smith of Coosa, Thomas, Thornton, Walden of Coosa, Whitfield.—31.

Nays—Messrs. Adams, Aldridge, Barlow, Bibb, Bowdon, Brown of Marion, Chambers, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham, Davidson, Davis, Gibson, Hale, Hardwick, Herman, Huckabee, Lane, Latham, Lowe, Meadows, Musgrove, Neal, Ramsey, Shepard, Sherrod, Tait of Wilcox, Wright, Woods.—32.

Mr. Irby moved to postpone the further consideration of the resolution until 12 o'clock to-morrow.

Mr. Ramsey then withdrew his motion of leave to introduce the resolution.

At 2½ o'clock, on motion of Mr. Irby, the House adjourned until 10 o'clock to-morrow morning.

TUESDAY, Jan. 24, 1860.

House met pursuant to adjournment.

Journal was partly read and suspended.

Leave of absence was granted to Mr. Tait of Wilcox.

On motion of Mr. Clitherall, the call of the counties was dispensed with to enable the standing committees to report.

The House proceeded to the consideration of an unfinished adverse report to the bill to amend section 992 of the Code, and for other purposes, which,

On motion of Mr. Clitherall, was referred to a select committee of five.

The Speaker appointed Messrs. Clitherall, Mabry, Griffin of Jackson, Scott and Woods.

Mr. Walker, from the judiciary committee, reported an amendment to the bill to regulate the taking of affidavits in aid of judicial proceedings.

The amendment was adopted.

Mr. Walker, from same committee, reported an amendment

to the bill to change the law relative to the opening of depositions.

Also, the amendment to the bill to amend an act entitled an act to authorize the sale of personal property for distributors, approved Feb. 16, 1854.

To amend section 1678 of the Code.

Also, an amendment to the bill to repeal sections 1991 and 1992 of the Code, and for other purposes.

Also, an amendment to the bill to amend the criminal laws of this State.

Also an amendment to the bill to authorize the issuance of civil process on Sunday, in certain cases.

Also, an amendment to the Senate bill to provide for the sale of lands purchased by the State at tax sales, and which have not been redeemed under section 469 of the Code.

Which amendments were severally adopted.

The bills were severally read the third time and passed.

Mr. Walker, from the judiciary committee, to whom was referred the petition of Wm. H. Ketchum, asking for the passage of an act for the removal of the administration on the estate of A. M. Creagh, deceased, reported a bill therefor, which was read the first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Walker, from same committee, reported favorably to the bill to amend section 3133 of the Code.

Also, to the bill to amend the law in regard to security for costs in certain cases.

Which were severally read the third time and passed.

Mr. Walker, from same committee, reported a substitute to the bill to change the place of holding the Chancery Court for the county of Coosa.

Which substitute was adopted, read third time and passed.

Mr. Walker, from same committee reported favorably on the bill to amend section 775 of the Code, which was read third time and passed.

Mr. Walker, from same committee, asked to be discharged from the further consideration of the bill for the relief of Wm. Gilmore, of Cherokee county, which was granted, and

On motion of Mr. Clitherall, the bill was referred to the committee on propositions and grievances.

Mr. Walker, from same committee, reported an amendment to the bill to prevent homicides, which amendments was,

On motion of Mr. Hale, laid on the table. The bill was then read the third time and passed.

Message from the Senate.

Senate, 24th Jan., 1860.

Mr. Speaker: The Senate has originated and passed the following bills:

To incorporate a medical college in Mobile;

For the relief of the register of the chancery court of Sumter county;

To establish a board of botanic physicians of the county of Blount;

To impose a tax on itinerant, book and periodical agents, and to increase the tax on peddling in the State of Alabama;

For the more effectual protection of the estates of intemperate persons;

To compensate E. M. Hastings, A. G. Hallmark, W. H. Benson and Jacob Myers, for services rendered the State of Alabama;

To regulate amendments in chancery;

To obviate captious, objections and to secure speedy trials in certain cases;

For the relief of certain persons therein named.

Has also passed House bills of the following titles:

For the relief of Wm. A. Bishop of Tuscaloosa county;

To pay the account of White, Phister & Co.;

To incorporate the Eutaw insurance company, in Greene county;

To amend the charter of the town of Talladega;

To repeal the law declaring the Chattooga river a public highway;

To authorize the State treasurer to buy a fire-proof safe;

For the relief of the creditors and distributees of Green W. Cole, deceased.

The Senate recedes from its amendment to the House bill, for the relief of the idiotic sons of Eli Watts, of Marshall county.

M. TAUL, Secretary Senate.

Mr. Rice introduced a resolution inviting the Rev. P. P. Neely, to deliver a lecture within the hall of the House on Thursday evening at 7 o'clock.

Mr. Walker, from the same committee, reported favorably on the bill to amend the law in relation to appeals;

Also, to the bill to provide for the holding of coroners' inquests by justices of the peace in certain cases; which were severally read the third time and passed.

Mr. Walker, from same committee, reported an amendment to the bill to change the mode of compensation of Attorney General and Solicitors, and

On motion of Mr. Forney, the amendment and bill were laid on the table.

Mr. Walker, from same committee, reported favorably to the bill to amend section 2235 of the Code ; which was read third time and passed.

Mr. Walker, from same committee reported an amendment to the Senate bill, to prevent the game of keno, which amendment was adopted.

Mr. Clitherall moved to amend as follows : " At the end of the 3rd section," add the words, "and under the same penalties."

Mr. Mabry moved to lay the amendment on the table.

Yeas 27, nays 47.

Yeas—Messrs. Speaker, Abney, Bowen, Bradley, Bryan, Burgess, Clayton, Cowan, Davidson, Davis, Flake, Goldsmith, Griffin of Dale, Hightower, Huckabee, Knox, Lane, Musgrove, Overall, Shepard, Sherrod, Taylor, Thomas, Walker, Warren, Whitfield, Wright.—27.

Nays—Messrs. Aldridge, Bell, Bibb, Brown of Marion, Bush, Carter, Cary, Chambers, Clifton, Clitherall, Coleman, Cooper, Cunningham, Dark, Ferrell, Eorney, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hobbs, Holley of Covington, Hudgins, Jack, Latham, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Neal, Oats, Ramsey, Seay, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thornton, Walden of Coosa, Walden of Morgan, Woods, —47.

Mr. Clitherall's amendment was then adopted.

Mr. Coleman moved to amend :

*Be it further enacted*, That if any judge of the circuit court or solicitor, or any other authorities appointed, prosecute men for crime or any legislator who makes laws to restrain vice shall violate the provisions of this act, shall be subject, on conviction thereby, to a fine of \$500, and two hundred dollars for his vice, and one hundred and fifty for his bad example, and one hundred and fifty for his inconsistency ; which,

On motion of Mr. Clitherall, was laid on the table.

Yeas 51, nays 27.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brown of Marion, Burgess, Bush, Carter, Chambers, Clayton, Clifton, Clitherall, Cowan, Cunningham, Dark, Easley, Ferrell, Forney, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hobbs, Hudgins, Irby, Jack, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Ramsey, Rice, Seale, Smith of

Coosa, Smith, of Lauderdale, Thomas, Thornton, Walden of Coosa, Walden of Morgan Woods.—51.

Nays—Messrs. Speaker, Abney, Brown of Tuscaloosa, Clapp, Coleman, Davidson, Davis, Fielder, Flake, Goldsmith, Griffin of Dale, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Huckabee, Latham, Lowe, Neal, Scott, Seay, Shepard, Sherrod, Tate of Macon, Walker, Warren, Wright.—27.

The bill was read third time and passed.

Yeas 50, nays 29.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Brown of Marion, Burgess, Bush, Carter, Chambers, Clayton, Clifton, Clitherall, Cowan, Cunningham, Dark, Ferrell, Forney, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hobbs, Holley of Covington, Hudgins, Jack, Knox, Lane, Latham, Lesueur, Lloyd, Mabry, Martin, Meadows, Oats, Rice, Seale, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walden of Morgan, Woods.—50.

Nays—Messrs. Speaker, Abney, Bradley, Brown of Tuscaloosa, Davidson, Davis, Easley, Fielder, Flake, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Hightower, Huckabee, Irby, Lowe, McMurry, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Shepard, Sherrod, Thomas, Walker, Warren, Wright.—29.

The caption of said bill was then amended by adding after the word "keno," "or other games."

Mr. Walker from same committee reported favorably to the bill to re-enact the provisions of an act, approved 2d February, 1858, entitled an act to locate permanently the seat of justice in Marion county; which bill, was on motion of Mr. Clitherall laid on the table.

Yeas 37, nays 23.

Yeas—Messrs. Bell, Bowen, Bradley, Burgess, Carter, Chambers, Clayton, Clifton, Clitherall, Coleman, Cowan, Cunningham, Davis, Easley, Fountain, Goldsmith, Griffin of Jackson, Hardwick, Hearin of Tallapoosa, Hobbs, Hudgins, Lane, Martin, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Shepard, Sherrod, Taylor, Thornton, Walden of Coosa, Warren, Whitfield, Wright.—37.

Nays—Messrs. Speaker, Brown of Marion, Bryan, Bush, Cary, Clapp, Dark, Ferrell, Flake, Forney, Gilchrist, Huckabee, Knox, Latham, Lowe, Mabry, Scott, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Walden of Morgan, Walker.—23.

Mr. Clitherall from same committee reported favorably to the bill to protect females from insult and injury at public assemblies, which was read the third time and passed.

Mr. Clitherall from same committee, reported an amendment to the bill to make Ned Adkins, a free man of color, to become a slave, which amendment was adopted; the bill was then read third time and passed.

Mr. Hale from the same committee, reported favorably to the bill to amend section 1255 of the Code of Alabama, and also the act amendatory thereof, approved 20th February, 1854, which was read third time and passed.

Mr. Hale from same committee, reported an amendment to the Senate bill, "more effectually to prevent the crime of incest, which amendment was adopted and bill read third time and passed.

Mr. Clitherall from same committee, reported a substitute for the bill for the relief of Jno. J. Bradshaw of Pike county, which was adopted and the bill was read third time and passed.

Mr. Scott from committee on enrolled bills, reported the following bills as correctly enrolled:

A bill to be entitled an act for the benefit of the Supreme Court and State Libraries.

A bill to be entitled an act to locate permanently the seat of justice of Choctaw.

A bill to be entitled an act for the relief of Merinda Watson.

A bill to be entitled an act for the relief of Martha Ann C. Shaw.

A bill to be entitled an act to repeal an act therein named.

A bill to be entitled an act for the relief of Jno. P. Gates, tax collector of Pickens.

A bill to be entitled an act to compensate E. C. Greene.

A bill to be entitled an act to ascertain the sense of the people of Jackson county in regard to the permanent location of the county site and to provide for buiding a court house and jail.

A bill to be entitled an act to make the appeal bond of the tax collector operate as a lien on his property for the county revenue.

A bill to be entitled an act to regulate the fees of constables in the beat and town of Cahaba, in Dallas county.

A bill to be entitled an act to authorize the court of county commissioners of Marshall county to levy a special tax for the relief of certain persons therein named.

A bill to be entitled an act to authorize the city of Selma to subscribe to railroad stock.

A bill to be entitled an act to authorize the sheriff of Montgomery county to make his returns in the late special election for representative.

A bill to be entitled an act to incorporate the Montgomery and Eufaula railroad company.

A bill to be entitled an act to incorporate the South-Western railroad company.

A bill to be entitled an act to divorce Arthur Avery from his wife Ann Avery, and to divorce other persons therein named.

A bill to be entitled an act to authorize Jno. A. Loder, of Dallas county to pay over certain money in his hands as administrator, belonging to unknown heirs, or to the State.

A bill to be entitled an act, for the benefit of Jas. Eddins, deceased, of Pickens county.

A bill to be entitled an act to divorce Henrietta Earnest from J. C. Earnest, and to divorce other persons therein named.

A bill to be entitled an act to authorize the probate court of Russel county to sanction a division of the slaves of Toliver Jones, deceased, as therein shown.

A bill to be entitled an act to compensate Dyer T. Blyth, for services rendered.

A bill to be entitled an act for the benefit of the estate of A. J. Brown, in Sumter county.

A bill to be entitled an act providing for the voters of Winston county in the State of Alabama, to vote for taxing the citizens of said county to build a new courthouse.

A bill to be entitled an act to enable the creditors of Philip Barton, deceased, to prove their claims.

A bill to be entitled an act to change the times of holding the chancery courts in the 37th district in the northern division.

A bill to be entitled an act to compensate Barnwell Haddox, for services rendered.

A bill to be entitled an act to amend an act, approved 16th, December, 1851, to regulate the sales of spirituous liquors in the town of Elyton.

A bill to be entitled an act to incorporate the Montgomery law school, and to make it the law department of the University of the State.

A bill to be entitled an act to regulate suits brought before justices of the peace in Marshall county.

A bill to be entitled an act to consolidate the offices of tax collector and assessor in the county of Marion.

A bill to be entitled an act to divide the counties of Winston and Shelby into county commissioners' districts.

A bill to be entitled an act to compel the county treasurers to keep their offices within a mile of the courthouse.

A bill to be entitled an act to repeal and amend the road laws in Jackson county.



A bill to be entitled an act to incorporate the Columbus and Fayetteville railroad company.

A bill to be entitled an act to locate permanently the seat of justice in Henry county.

A bill to be entitled an act for the preservation of game in the county of Sumter.

A bill to be entitled an act to authorize the election and appointment of an additional county surveyor for Calhoun county.

A bill to be entitled an act to locate permanently the seat of justice in Washington county.

A bill to be entitled an act to legalize and confirm payments by the tax collectors to the tax assessors of Marion county.

A bill to be entitled an act to amend the law in relation to the emancipation of slaves.

A bill to be entitled an act to amend the charter of the LaFayette Branch railroad company, and to change the name of said company.

A bill to be entitled an act to establish a medical board in the county of coffee.

A bill to be entitled an act to locate the county site of Winston county, approved 30th January, 1858.

A bill to be entitled an act to regulate the trial of assaults and batteries and affrays.

A bill to be entitled an act to incorporate the Eastern Shore and Mobile steamboat company.

A bill to be entitled an act for the relief of Sam'l. J. Harris of the county of Autauga.

A bill to be entitled an act to incorporate the trustees of the Methodist Episcopal church South at Montgomery.

A bill to be entitled an act to allow the qualified voters of Walker county to elect a county surveyor for said county.

A bill to be entitled an act for the relief of Foster M. Kirksey, executor of Robert B. W. Kirksey.

A bill to be entitled an act to amend an act, approved 8th February, 1858, to incorporate the male and female academy in Fayetteville, Talladega county.

A bill to be entitled an act to amend an act therein named.

A bill to be entitled an act to incorporate the Columbus and Tennessee Valley railroad company.

S. S. SCOTT, Chairman.

Mr. Hale from judiciary committee reported a substitute for the bill to enable defendants in certain cases to prove their offsets by their own oaths, and a bill to allow defendants to prove their sett-off in certain cases.

Mr. Brown of Marion moved to lay the substitute on the table when the hour of half-past 1 o'clock arrived and the House stood adjourned until 3 o'clock, P. M.

#### AFTERNOON SESSION.

House met pursuant to adjournment.

The roll was called and the following members answered to their names :

Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clitherall, Coleman, Dark, Davidson, Davis, Easley, Flake, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, [Holley of Covington, Irby, Jack, Knox, Lane, Lesueur, Mabry, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Seale, Shepard, Sherrod, Smith of Coosa, Starke, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Whitfield—61.

On motion of Mr. Walker, the use of the hall of the house was granted to Dr. Wozencraft of California, to-morrow at half past 3 o'clock, to present and explain a memorial of the Atlantic and Pacific Railroad convention lately held at San Francisco.

House resumed the consideration of the bill under discussion, when the house adjourned to-day.

The substitute was adopted, and read third time, and passed.

Mr. Hale from same committee reported a substitute for the bill to repeal an act therein named.

Mr. Griffin of Jackson, moved to lay on the table.

Yeas, 43 ; nays, 36.

Laid on the table.

Yeas—Messrs. Abney, Aldridge, Bibb, Brooks, Brown of Marion, Burgess, Bush, Cary, Clapp, Clifton, Cowan, Dark, Ferrell, Fielder, Forney, Gilchrist, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of T., Huckabee, Jack, Knox, Latham, Lesueur, Lloyd, Lowe, McMurry, Meadows, Musgrove, Neal, Ramsey, Shepard, Sherrod, Smith of Coosa, Starke, Thornton, Walden of Coosa, Walden of Morgan, Warren, Wright.—43.

Nays—Messrs. Speaker, Barlow, Bell, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Carter, Chambers, Clayton, Coleman, Cunningham, Davis, Easley, Flake, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hobbs,

Hudgins, Irby, Lane, Oats, Overall, Rice, Scott, Seale, Tate of Macon, Taylor, Thomas, Walker, Whitfield, Woods.—36.

Mr. Clitherall from same committee reported favorably on the bill to repeal the law requiring annual settlements by guardians and substitute annual statement in lieu thereof.

Mr. Speaker, (Mr. Hale in the chair,) moved to lay the bill on the table.

Yeas, 47; nays, 26.

Laid on the table.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Marion, Bush Carter, Cary, Clapp, Clifton, Davis, Fielder, Flake, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Hightower, Holley of Covington, Knox, Lane, Lesueur, Lloyd, Lowe, Mabry, McMurry, Musgrove Ramsey, Rice, Scott, Seale, Shepard, Sherrod, Smith of Coosa, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Whitfield, Wright.—47.

Nays—Messrs. Barlow, Bowen, Chambers, Clayton, Clitherall, Coleman, Cowan, Cunningham, Dark, Ferrell, Fountain, Griffin of Dale, Hale, Hardwick, Herren of Tallapoosa, Huckabee, Hudgins, Jack, Meadows, Neal, Oats, Seay, Walden of Morgan, Walker, Warren, Woods.—26.

Mr. Clitherall from same committee reported a substitute for the bill to require the judge of Probate and clerk of circuit court to file a newspaper in their respective offices.

Mr. Lowe moved to strike out "a" and insert "each."

Mr. Clitherall moved to lay the amendment of Mr. Lowe on the table.

Carried.

Mr. Davis moved to lay the bill and substitute on the table.

Carried.

Mr. Clitherall from same committee reported a substitute for the bill to repeal section 3271 and 3272 of the Code, which substitute and bill was made the special order for Monday the 30th at 12 o'clock.

Mr. Clitherall from same committee reported favorably on the bill to amend section 2005 of the Code which was read the third time and passed.

Mr. Mabry moved to suspend the rule requiring the house to adjourn at 5 o'clock P. M.

Mr. Speaker, (Mr. Hale in the chair,) raised the point of order that it could not be done without laying over one day as it did ineffect a rule of the house.

The chair decided the motion of Mr. Mabry to be in order from which decision Mr. Lowe appealed.

And the question being, shall the decision of the chair stand as the judgment of the house.

Yeas, 44 : nays, 23.

The decision of the chair was sustained.

Yeas—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Bradley, Brooks, Brown of T., Bush, Carter, Cary, Chambers, Clitherall, Coleman, Cowan, Davis, Fielder, Forney, Gibson, Goldsmith, Griffin of J., Griffin of M., Hardwick, Hearin of C., Holley of Covington, Huckabee, Hudgins, Irby, Lane, Mabry, Neal, Oats, Rice, Scott, Seale, Shepard, Sherrod, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Whitfield, Woods.—44.

Nays—Messrs. Bowen, Clayton, Clifton, Cunningham, Dark-Ferrell, Fountain, Griffin of Dale, Hightower, Holley of Talla, poosa, Jack, Lesueur, Lloyd, Lowe, McMurry, Meadows, Overall, Ramsey, Smith of Coosa, Starke, Walker, Warren, Wright.—23.

When the hour of 5 o'clock arrived, and the house stood adjourned until 10 o'clock to-morrow.

#### WEDNESDAY MORNING, Jan. 25, 1860.

House met pursuant to adjournment.

Mr. Speaker, said unless the reading of the journal was called for it would be dispensed with.

The journal was not read.

Mr. Knox moved to reconsider the vote by which the house laid on the table a certain bill, to repeal an act therein named.

Mr. Oats moved to lay the motion of Mr. Knox on the table.

Lost.

The motion to reconsider was then considered and lost.

Mr. Warren moved to reconsider the vote, by which the house laid on the table the bill to locate the seat of justice in Marion county.

Mr. Clitherall moved to lay the motion on the table.

Carried.

Mr. Davis moved to reconsider the vote by which the house laid on the table the bill requiring the probate judges, clerk of the circuit court and register in chancery to file a newspaper in their respective offices.

Mr. Coleman moved to lay the motion, to reconsider, just made, on the table.

Lost.

The vote was then reconsidered and the bill was taken from the table.

The question being on laying the substitute on the table.

Lost.

Mr. Hudgins moved to refer the whole subject to a committee of five.

Lost.

The substitute was then adopted.

Mr. Clitherall moved to strike out "a" and insert "each."

Adopted.

Mr. Gibson moved to strike out clerk of the circuit court and register in chancery.

Ruled out by the chair.

Mr. Holley of Covington, that the provisions of the bill shall not apply to the county of Covington.

Adopted.

The bill was then read a third time and passed.

Mr. Hobbs, from committee on education, by leave, reported favorably on the bill to establish an institution for the deaf and dumb.

Mr. Cooper moved to strike out \$20,000 where it occurs in the bill, and insert \$15,000.

Mr. Latham moved to strike out and insert \$10,000.

The question first was on striking out.

Yeas 28, nays 58.

Yeas—Messrs. Aldridge, Bradley, Brown of Marion, Clapp, Clifton, Coleman, Cooper, Cowan, Davis, Easley, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Hightower, Holley of Covington, Huckabee, Humphries, Jack, Latham, Lloyd, Musgrove, Ramsey, Seay, Thornton, Warren.—28.

Nays—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clayton, Clitherall, Cunningham, Dark, Ferrell, Fielder, Flake, Forney, Gilchrist, Goldsmith, Griffin of Dale, Hale, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Lesueur, Mabry, Martin, McMurry, Meadows, Neal, Oats, Overall, Parsons, Rice, Scott, Scale, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Walden of Morgan, Walker, Whitfield, Wright, Woods.—58.

Mr. Hubbard moved to amend as follows:

*Provided*, That the charter of said corporation shall become forfeited if the contract for the purchase of lands, buildings and improvements, shall exceed the sum of \$20,000.

The bill then passed.

Yeas 74, nays 10.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Barlow, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Davidson, Davis, Ferrell, Fielder, Flake, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Knox, Lane, Lesueur, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seale, Sheppard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright, Woods.—74.

Nays—Messrs. Brown of Marion, Burgess, Fountain, Griffin of Dale, Holley of Covington, Latham, Lloyd Musgrove, Seay, Walden of Coosa.—10.

Message from the Senate by Mr. Roberts.

Senate, January 25, 1860.

Mr. Speaker : The Senate has originated and passed bills of the following titles :

To amend the law as respects the lien of executions ;

To construe and extend the revenue law of Alabama in certain cases therein named ;

To compensate the solicitors for the State of Alabama, in the litigation between Georgia and Alabama, in respect to the boundary line between said States ;

To place the widows of deceased persons upon an equality with other distributees of their estate.

The Senate has passed the House bill for the relief of Cherry Keys ; also concurs in the amendments made by the House to the Senate bill, to lay off and divide the State of Alabama into eleven judicial circuits.

The Senate has rejected the House bill to prevent frivolous or malicious prosecutions.

M. TAUL, Secretary Senate.

House proceeded to consider Senate bills upon their first reading :

Senate bill to incorporate a medical college at Mobile, was read first and second times, constitutional rule being suspended, and on motion of Mr. Irby, referred to a select committee composed of one from each congressional district.

Mr. Speaker appointed Messrs. Irby, Jones, Hale, Cunningham, Chambers, Griffin of Marshall.

For the relief of the register of the chancery court of Sumter county; constitutional rule suspended, read first and second times and ordered to a third reading.

A bill to establish a board of botanic physicians in the county of Blount; which was read first and second times, under a suspension of the constitutional rule, and referred to local legislation.

For the relief of certain persons therein named; read first and second times under a suspension of the constitutional rule, and ordered to a third reading.

The following bills were read the first and second times under a suspension of the constitutional rule, and referred to the judiciary:

To obviate captious, objections and to secure speedy trials in certain cases;

To regulate amendments in chancery;

To amend the law as respects the lien of executions;

For the more effectual protection of the estates of intemperate persons;

To place the widows of deceased persons upon an equality with other distributees of their estates.

The following bills were read the first and second times, and referred to committee on ways and means, under a suspension of the constitutional rule:

To impose a tax upon itinerant book and periodical agents, and to increase the tax upon peddling in the State of Alabama;

To compensate the solicitors for the State of Alabama, in the litigation between Georgia and Alabama, in respect to the boundary line between said States.

Mr. Rice moved to amend the last named bill as follows: insert after the word Phillips, "are legal representatives of James E. Belser, deceased."

To construe and extend the operation of the revenue laws of Alabama, in certain cases therein named;

The following bills were read the first and second times, under suspension of the constitutional rule, and referred to committee on accounts and claims;

To compensate E. M. Hastings, A. G. Hallmark, W. H. Benson and Jacob Myers, for services rendered the State of Alabama.

The following bills were read the first and second times under a suspension of the constitutional rule, and passed:

To increase the salaries of the judges of the supreme court.

Yeas 46, nays 40.

Message from the Senate by Mr. Roberts.

Senate, January 25, 1860.

Mr. Speaker: The Senate has adopted the following resolution :

*Resolved*, (the House concurring) That the two Houses of the General Assembly will meet in the House of Representatives, on Thursday, the 26th instant, at 11 o'clock, A. M., to elect solicitors for the 4th, the 1st, the 3rd, the 5th, the 6th, the 8th, 10th and the 11th judicial circuits of the State of Alabama.

The Senate concurs in the amendment made by the House to the bill to establish an institution for the deaf and dumb.

The House proceeded then to the consideration of the Senate resolution.

Mr. Smith of Lauderdale, moved to strike out the 6th in said Senate resolution.

Adopted.

Mr. Cooper moved to strike out Thursday and insert Friday.

Lost.

Mr. Speaker, (Mr. Clitherall in the chair,) moved to amend by inserting the 6th at 12 o'clock on Saturday.

Adopted.

Mr. Scott, moved to postpone the 1st until Saturday.

Lost.

The resolution was then adopted and ordered to the Senate.

Message from the Governor by Mr. Phelan :

*Mr. Speaker* : His Excellency the Governor, has approved bills which originated in the House of Representatives, of the following titles :

An act to pay the account of White, Pfister & Co.

An act to amend an act to incorporate the Columbus and Tennessee Valley Railroad Company ;

An act to amend an act approved Feb. 8, 1858, to incorporate the Male and Female Academy in Fayetteville, Talladega county ;

An act to amend an act therein named.

An act to incorporate the Montgomery Law School and to make it the law department of the University of the State.

An act to incorporate the Columbus and Fayetteville Railroad Company ;

An act to authorize the election and appointment of an additional county surveyor for Calhoun county ;

An act for the relief of Samuel Harris of Autauga county ;

An act for the preservation of game in the county of Sumter ;



An act to locate permanently the seat of justice in Washington county;

An act to confer and legalize certain payments by the tax-collector to the tax assessor of Marion county;

An act to amend the law in relation to the emancipation of slaves;

An act to amend the charter of the Lafayette Branch Railroad Company, and to change the name of said company;

An act to establish a Medical Board in the county of Coffee;

An act to regulate the trials of assaults and batteries, and affrays;

An act to amend an act entitled an act to locate the county site of Winston county, approved Jan. 30, 1858;

An act to incorporate the Eastern Shore and Mobile Steamboat Company;

An act to incorporate the trustees of the Methodist Episcopal Church South, at Montgomery;

An act for the relief of Foster M. Kirksey, executor of R. B. W. Kirksey;

An act to allow the qualified voters of Walker county to elect a county surveyor for said county.

I am also instructed by his Excellency the Governor, to deliver to the House of Representatives, the accompanying communication.

W. PHELAN, Private Secretary.

Mr. Hubbard, by leave, made the following report from the committee on federal relations:

The committee on federal relations, to which was referred joint resolutions from the Senate, on the subject of the recent outrages at Harper's Ferry, Virginia, have had the subject under consideration, and have instructed me to report, that in the opinion of this committee, the outbreak referred to, is but the beginning of looked for results from teachings of the churches, press, public speaking, and legislation of certain Northern States, accelerated, if not encouraged by the heretofore yielding, compromising disposition of the South. But, whether we agree or not, as to what has brought such a state of things about, there can be but one opinion as to our duty to meet them in a proper manner. This affair was not an insurrection of slaves, as pretended by the enemies of slavery, but only a further manifestation of the state of feeling engendered among northern people. When their leaders have been preaching a crusade against our institution, which, in their estimation, justifies and sanctifies murder, arson, robbery, and rebellion, a

state of feeling which wholly unfits them for political brotherhood; it is in fact and in truth, a war made upon the State of Virginia, not only by those actively engaged therein, but also such as prompted, encouraged, or advised, and by those who knowing the plot, concealed the same from the government of Virginia and the United States, and although wholly unsuccessful in attempt, is nevertheless conclusive as to purpose. The people of the slave-holding States obtained titles to property in slaves, long before the revolution and the independence of the several States. The Constitution, (the only union we recognize as binding,) was formed and intended to protect social institutions of all the States. We therefore do not hold slaves by virtue of any title derived from the Constitution, nor would our titles have been less perfect, had the so called Dred Scott decision never been made. And, inasmuch as we obtained the right of self-government by arms, we should always be ready, if need be, to maintain our rights by arms.

Your committee recommend no resolutions of complaint, but the passage of such appropriation bills as will enable the Executive to arm and equip our citizens for any emergency which may be brought upon us.

D. HUBBARD, Chairman.

Mr. Hubbard moved to lay the report on the table and print.

Mr. Smith of Lauderdale, moved to print 2000 copies in pamphlet form.

Carried.

The House refused to lay the report on the table.

Mr. Rice moved to concur in the report.

Senate, Jan. 25, 1860.

*Mr. Speaker:* The Senate concurs in the amendment of the House to the House resolution in regard to the election of solicitors in the several circuits named in said resolution.

Mr. Meek [Mr. Clitherall in the chair,] offered the following resolution:

*Resolved,* That this house fully concur in the sentiments of the report of the committee.

Mr. Cunningham moved the previous question.

A point of order having arisen, Mr. Clitherall, in the chair, decided that if the previous question were sustained, the main question would be, "Will the house concur in the report submitted by Mr. Hubbard?"

From this decision Mr. Meek appealed, and the question,

"Shall the decision of the chair stand as the judgment of the house?" was decided in the negative.

Yeas 34, nays 35.

Yeas—Messrs. Bradley, Brooks, Chambers, Clayton, Cooper, Cunningham, Dark, Davidson, Davis, Fielder, Gilchrist, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hubbard, Jack, Lane, Lloyd, Martin, Oats, Ramsey, Rice, Scott, Sherrod, Smith of Lauderdale, Tate of Macon, Taylor, Thornton, Walden of Morgan, Walker, Warren, Whitfield.

Nays—Messrs. Speaker, Aldridge, Barlow, Bell, Bibb, Bowen, Brown of Marion, Burgess, Bush, Carter, Cary, Clapp, Clifton, Coleman, Ferrell, Forney, Gibson, Griffin of Dale, Hearin of Clarke, Hightower, Hulgins, Irby, Knox, Lesueur, Mabry, McMurry, Meadows, Musgrove, Neal, Parsons, Seale, Shepard, Smith of Coosa, Walden of Coosa, Wright.

Pending the motion of the previous question, the hour of one half past one having arrived, the house adjourned until to-morrow morning at 10 o'clock.

THURSDAY, Jan. 26, 1860.

House met pursuant to adjournment.

Mr. Clitherall gave notice that he would move to re-consider the vote by which the house ordered 2,000 copies of the report from federal relations to be printed.

Mr. Jack, by leave:

*Resolved*, That the judiciary committee be instructed to inquire into the power of the legislature to pass a law authorizing W. H. Alsabrook to settle and wind up the estate of Wm. E. Alsabrook, dec'd, without taking out letters of administration, and in compliance with the prayer in the accompanying letter; and that they report by bill or otherwise.

Adopted.

Mr. Clitherall, by leave from committee on local legislation, reported a substitute to regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of this State, and to provide for the prompt payment of such persons.

Adopted.

Read third time and passed.

Mr. Walter, from select committee, reported a substitute to the bill to enable the corporate authorities of the city of Mobile to grant the privilege of constructing railroads within the corporate limits of said city.

Adopted.

Read third time and passed.

Mr. Fielder, from select committee, reported favorably to the bill to repeal an act therein named, so far as said act applies to the county of Choctaw; which was read a third time and passed.

Mr. Clayton moved to take from the table the bill to provide for an efficient military organization of the State of Alabama, and make it the special order for the hour of quarter to twelve o'clock on Wednesday, the 1st February.

Carried.

Mr. Hearin, of Clarke, by leave, reported from the committee on county boundaries adversely to the bill to change the county boundaries between the counties of Monroe and Clarke.

Message from the Governor, communicating to the house the report of Hon. G. S. Yelverton, commissioner appointed by said Governor to wait on the Governor and Legislature of Florida, and lay before them copies of joint resolutions passed by the last legislature in regard to the cession of West Florida, which was read and referred to committee on ways and means.

Mr. Hubbard presented an account, which was referred to committee on accounts and claims.

Mr. Clitherall moved to consider all bills on second reading.

Carried.

The bill more effectually to prevent the circulation of books, newspapers and pamphlets, in this State, calculated to incite slaves or free persons of color to discontent, insurrection or rebellion, was read the second time, and referred to committee on ways and means.

The following bills were read the 2nd and 3d times under a suspension of the constitutional rule, and passed:

To enable David Gardner, guardian of the minor heirs of Matthew T. Chum, deceased, to remove the guardianship of said heirs from the county of Morgan to the county of Madison;

To incorporate the New Harmony male and female academy, in Chambers county;

To incorporate the Montgomery Race Course Association.

The following bills were read the second time and referred to committee on corporations:

To amend and revive an act to incorporate the town of Opelika, approved 9th Feb'y, 1854;

To amend an act entitled an act to incorporate the city of Eu-  
faula.

The following bills were read a second time and referred to committee on accounts and claims:

For the relief of Lowell Jennings, late tax collector of the county of Morgan.

The following bill was read the second time, and Mr. Mabry moved to amend by adding the names of Boardman, Hartwell, Cumpton, Seth, Alexander Smyly, and Wm. Smyly, of Dallas county, which was referred to committee on the judiciary.

The bill to prevent the adulteration and sale of adulterated liquors, was read the second time.

Mr. Lowe moved to amend by striking out "which" and inserting "having good reason to believe."

Pending which motion, the house took an informal recess until one minute to 12 o'clock.

House met at one minute to 12 o'clock, and on motion of Mr. Smith, of Lauderdale, the Senate was invited into the hall of the house, when the two houses in joint convention proceeded to the election of solicitor for the 4th judicial circuit. S. A. M. Wood alone being in nomination, and having received all the votes cast, viz: 122, was declared to be elected solicitor, by Mr. Speaker, for the time prescribed by law.

The two houses in joint convention proceeded to the election of a solicitor for the first judicial circuit, Jones L. Royston, Geo. D. Johnston, Jno. F. Connolly and Thos. H. Lewis, being in nomination.

Those who voted for Mr. Royston are, Messrs. Austin, Burnett, Cleveland, Cocke, Felder, Fleming, Griffin, Hill, Horn, Jamison, Jones of Fayette, McIntyre, McSpadden, Mitchell, Patton, Staton, Stone, Toulmin, Wood, Woodward, of the Senate: And Messrs. Abney, Adams, Aldridge, Barlow, Bibb, Bradley, Carter, Cary, Clapp, Dark, Davidson, Davis, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Dale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Humphries, Knox, Lane, Latham, Lesueur, Martin, Musgrove, Oats, Overall, Parsons, Ramsey, Seay, Seale, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Taylor, Walden of Coosa, Walden of Morgan, White, Whitfield, Woods, of the House.—64.

Those who voted for Mr. George D. Johnson are, Messrs. President, Brewer, Bullock, Bynum, Chilton, Jackson, Jones of Greene, Rowe, Staton, of the Senate: And Messrs. Bell, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burges, Bush, Chambers, Clayton, Clifton, Clitherall, Cowan, Cunningham, Fielder, Flake, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hightower, Holley of Covington, Huckabee, Hudgins, Jack, Lowe, McMurry, Neal, Scott, Sherrod, Tate of

Mason, Thomas. Thornton, Walker, Warren, of the House.—44.

Those who voted for Mr. John F. Connelly are, Messrs. Calhoun, and Nelson, of the Senate: And Messrs. Speaker, Bowdon, Coleman, Easley, Lloyd, Mabry, Meadows, of the House.—9.

Those who voted for Mr. Thomas H. Lewis are, Mr. Walker, of the Senate: And Messrs. Cooper, Forney, Hardwick, Irby, Rice, Slater, Wright, of the House.—8.

Mr. Royston having received a majority of all the votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor for the term prescribed by law.

The two houses in joint convention proceeded to the election of a solicitor for the third circuit; B. W. Cobb, J. H. Martin, N. H. Brown being in nomination:

Those who voted for Mr. Rufus W. Cobb are, Messrs. Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, McIntyre, McSpadden, Nelson, Walker, Woodward, of the Senate: And Messrs. Aldridge, Barlow, Bell, Bowdon, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Davidson, Easley, Forney, Forsyth, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Irby, Latham, Lloyd, Mabry, Martin, Parsons, Rice, Scott, Seay, Seale, Shepard, Thornton, White, Whitfield, Wright, of the House.—47.

Those who voted for Mr. John H. Martin are, Messrs. President, Bynum, Jemison, Stone, of the Senate: And Messrs. Abney, Bryan, Clapp, Clitherall, Davis, Fielder, Griffin of Marshall, Hale, Herman, Hobbs, Jack, Lowe, Meadows, Ramsey, Sherrod, Slater, Whitfield, Woods, of the House.—22.

Those who voted for Mr. N. H. Brown are, Messrs. Fleming, Griffin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, Mitchell, Patton, Rowe, Staton, Toulmin, Wood, of the Senate: And Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Chambers, Clayton, Coleman, Cunningham, Dark, Ferrell, Flake, Fountain, Gilchrist, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Knox, Lane, Lesueur, McMurry, Musgrove, Neal, Oats, Overall, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, of the House.—54.

Neither of the candidates having received a majority of all the votes, the two Houses in convention proceeded to ballot the second time:

Those who voted for Mr. Cobb are, Messrs. Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, McIn-

ntyre, McSpadden, Nelson, Walker, Woodward, of the Senate: And Messrs. Aldridge, Barlow, Bell, Bowdon, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Cunningham, Davidson, Easley, Fielder, Forney, Forsyth, Gibson, Goldsmith, Hardwick, Irby, Latham, Lloyd, Mabry, Martin, Parsons, Rice, Scott, Seale, Shepard, Slater, Thornton, White, Wright, of the House.—47.

Those who voted for Mr. Martin are, Messrs. President, Jemison, of the Senate: And Messrs. Abney, Bryan, Clapp, Clithcrall, Davis, Griffin of Marshall, Hale, Herman, Hobbs, Jack, Lowe, Meadows, Ramsey, Whitfield, Woods, of the House.—17.

Those who voted for Mr. Brown are, Messrs. Bynum, Fleming, Griffin, Hill Horn, Jackson, Jones of Greene, Mitchel, Patton, Rowe, Staton, Stone, Toulmin, Wood, of the Senate: And Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Chambers, Clayton, Coleman, Dark, Ferrell, Flake, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Lane, Lesueur, McMurry, Musgrove, Neal, Oats, Overall, Seay, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, of the House.—57.

Neither of the candidates having received a majority of all the votes given, the two Houses proceeded to the third ballot:

Those who voted for Mr. Cobb are, Messrs. Austin, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, McIntyre, McSpadden, Nelson, Patton, Walker, Woodward, of the Senate: And Messrs. Abney, Aldridge, Barlow, Bell, Bowdon, Bradley, Burgess, Bush, Carter, Clifton, Cooper, Cowan, Cunningham, Davidson, Easley, Forney, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Hardwick, Irby, Latham, Loyd, Mabry, Martin, Parsons, Rice, Scott, Seale, Shepard, Slater, Thornton, White, Wright, of the House.—49.

Those who voted for Mr. Martin are, Mr. Jemison, of the Senate: And Messrs. Clapp, Clitherall, Hobbs, Jack, Whitfield, Woods, of the House.—7.

Those who voted for Mr. Brown are, Messrs. President, Bynum, Fleming, Griffin, Hill, Horn, Jackson, Jones of Fayette, Jones of Greene, Mitchell, Rowe, Staton, Stone, Toulmin, Wood, of the Senate: And Messrs. Speaker, Adams, Bibb, Bowen, Brooks, Brown of Marion, Bryan, Chambers, Clayton, Coleman, Dark, Davis, Ferrell, Flake, Fountain, Gilchrist, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries,

Knox, Lane, Lesueur, Lowe McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, of the House.—66.

Mr. Brown having received a majority of all the votes given, was declared duly and constitutionally elected by the speaker, solicitor of the third judicial circuit.

The joint convention then proceeded to the election of a solicitor for the fifth judicial circuit; S. K. McSpadden, H. C. Bradford and W. J. Harralson being in nomination:

Those who voted for Mr. S. K. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Cleveland, Griffin, Hill, Horn, Jones, of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Bradley, Brown of Tuscaloosa, Bush, Clifton, Clitherall, Cooper, Flake, Forney, Forsyth, Hardwick, Hearin of Clarke, Hobbs, Lane, Meadows, Parsons, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Walker, Warren, Whitfield, of the House.—43.

Those who voted for Mr. H. C. Bradford are, Messrs. Chilton, Fleming, Jackson, Patton, Stone, of the Senate: And Messrs. Bell, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Neal, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, of the House.—30.

Those who voted for Mr. W. J. Harralson are, Higgins, Jemison, Woodward, of the Senate: Speaker, Adams, Aldridge, Barlow, Bibb, Bowen, Bowdon, Brown of Marion, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, White, Wright, Woods, of the House.—50.

Neither of the candidates having received a majority of all the votes given, the two Houses in Convention proceeded to ballot the second time:

Those who voted for Mr. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams,



Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Forsyth, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—44.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Oats, Overall, Ramsey, Scott, Sherrod, Tait of Macon, Walden of Morgan, of the House.—30.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowen, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Flake, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, Warren, White, Wright, Woods, of the House.—49.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the third time:

Those who voted for Mr. McSpadden are, Messrs. President, Bullock, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Carter, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, Woods, of the House.—43.

Those who voted for Mr. Bradford are, Messrs. Brewer, Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Clayton, Davidson, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Herren of Tallapoosa, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Shepard, Sherrod, Walden of Morgan, Warren, of the House.—34.

Those who voted for Mr. Harralson are, Messrs. Higgins, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Chambers, Calap, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale,

Griffin of Marshall, Hale, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, of the House.—43.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time:

Those who voted for Mr. McSpadden are, Messrs. President, Brewer, Bullock, Burnett, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Carter, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield.—44.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Chambers, Clayton, Davidson, Davis, Flake, Gilchrist, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Latham, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Smith of Lauderdale, Walden of Morgan, of the House.—31.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Clapp, Coleman, Cowan, Dark, Easley, Ferrell, Fielder, Forsyth, Fountain, Griffin of Dale, Griffin of Marshall, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Starke, Tate of Macon, Thomas, White, Wright, Woods, of the House.—42.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fifth time:

Those who voted for Mr. McSpadden are, Messrs. President, Bullock, Burnet, Calhoun, Chilton, Cleveland, Cocke, Griffin, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, Wood, of the Senate: And Messrs. Abney, Adams, Barlow, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Forsyth, Hardwick, Hearin of Clarke, Humphries, Lane, Mabry, Meadows, Neal, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the House.—45.

Those who voted for Mr. Bradford are, Messrs. Bynum, Fleming, Jackson, Stone, of the Senate: And Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, of the House.—28.

Those who voted for Mr. Harralson are, Messrs. Higgins, Jemison, Woodward, of the Senate: And Messrs. Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Thomas, Warren, White, Wright, Woods, of the House.—45.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the sixth time, when,

On motion of Mr. Jemison, the convention adjourned until 3½ o'clock.

#### AFTERNOON SESSION, Jan. 26, 1860.

House met pursuant to rule.

Mr. Cooper from select committee reported favorably to the bill to prohibit the sale of spirituous liquors in or within one mile of the town of Centre in Cherokee county, which was ordered to be read a third time and passed.

Mr. Speker announced Messrs. Ramsey, Bush, Lesueur, Griffin of Jackson, Cary, Bradley and Huggins, upon the committee on enro'led bills.

Mr. Cooper, by leave, a bill to authorize Lewis L. Rhea and others of Cherokee county to erect public mills which was read; the constitutional rule suspended, read the second time and referred to committee on the judiciary.

Mr. Rice, by leave, a bill for the relief of Mary A. Hammock, which was read the first, second and third times under a suspension of the constitutional rule and passed.

Mr. Brown of Marion: resolution—whereas the attorneys' tax fees specified in section 3048 of the Code is an unjust and onerous burden on the people of the State of Alabama. Therefore be it—

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing said section of the Code and be required to report on the same by bill or otherwise.

Adopted.

Mr. Lowe : by leave, a bill for the relief of Mr. E. Sportswood of Madison county, which was read the first and second times under a suspension of the constitutional rule.

Mr. Clitherall moved to refer the bill to the judiciary committee.

Lost.

The bill was then read the third time.

Mr. Clitherall moved to postpone the passage of the bill until to-morrow, pending which motion, the hour of half-past 3 o'clock arrived, when the Senate appeared within the hall of the house, and the joint convention proceeded to the 6th ballot for solicitor in the 5th judicial circuit.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Hill, Horn, Jones of Fayette, Jones of Greene, McIntyre, Mitchell, Patton, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard, Thornton, Walden of Coosa, Walker, Whitfield, of the house.—35.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynun, Chilton, Cleveland, Fleming, Jackson, Stone, of the senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the house.—34.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Wood, Woodward, of the senate; and Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley, of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the house.—45.

Neither of the candidates having received a majority of all the votes given the convention proceeded to the 7th ballot.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Calhoun, Hill, Horn, Jones of Greene, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard,

Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the house.—36.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, McIntyre, Stone, of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davidson, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Smith of Lauderdale, Tate of Macon, Walden of Morgan, of the house.—37.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Jemison, Jones of Fayette, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Starke, Thomas, White, Wright, Woods, of the house.—47.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the 8th ballot.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Calhoun, Cocke, Hill, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Neal, Parsons, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Walker, Whitfield, of the house.—34.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the house.—37.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Horn, Jemison, Jones of Fayette, Wood, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry,

ry, Musgrove, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the house.—49.

Neither of the candidates having received a majority of all the votes given, the house proceeded to the 9th ballot.

Those who voted for Mr. McSpadden, were Messrs. President, Bullock, Burnett, Calhoun, Cocke, Hill, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Staton, Toulmin, Walker of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane, Meadows, Parsons, Rice, Taylor, Thornton, Walden of Coosa, Walker, Whitfield of the house.—35.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Hill, Jackson, Stone of the Senate; and Messrs. Bell, Bowen, Brooks, Bryan, Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Morgan, of the house.—35.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Horn, Jemison, Jones of Fayette, Wood Woodward of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Latham, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the house.—50.

Neither of the candidates having received a majority of all the votes given, the house proceeded to the 10th ballot.

Mr. Cooper moved that the convention adjourn until 10 o'clock to-morrow.

Lost.

Those who voted for Mr. McSpadden, were Messrs President, Bullock, Burnett, Calhoun, Cocke, Hill, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, of the Senate; and Messrs. Abney, Adams, Bradley, Bush, Clifton, Clitherall, Cooper, Forney, Hardwick, Hearin of Clarke, Humphries, Lane Meadows, Parsons, Rice, Taylor, Thornton, Whitfield, of the house.—30.

Those who voted for Mr. Bradford, were Messrs. Brewer, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone of the Senate; and Messrs. Bell, Bow-

en, Brooks, Bryan Carter, Chambers, Clayton, Davis, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hubbard, Huckabee, Hudgins, Irby, Jack, Lowe, Mabry, Oats, Overall, Ramsey, Scott, Sherrod, Tate of Macon, Walden of Coosa, Walker, of the house.—40.

Those who voted for Mr. Harralson, were Messrs Griffin, Higgins, Horn, Jemison, Jones of Fayette, Wood, Woodward of the Senate; and Messrs. Speaker, Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Coleman, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Knox, Lesueur, Lloyd, Martin, McMurry, Musgrove, Seay, Seale, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Thomas, White, Wright, Woods, of the house.—49.

Neither of the candidates having received a majority of all the votes given, the committee proceeded to the 11th ballot, the name of Mr. McSpadden being withdrawn.

Those who voted for Mr. Bradford, were Messrs. President, Brewer, Bullock, Burnett, Bynum, Chilton, Cleveland, Fleming, Jackson, Jones of Greene, McIntyre, Patton, Stone, of the Senate; and Messrs. Abney, Bell, Bowen, Brooks, Bryan, Bush, Carter, Chambers, Clayton, Clitherall, Davis, Flake, Forney, Gilchrist, Goldsmith, Griffin of Jackson, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby Jack, Latham, Lowe, Neal, Oats, Overall, Ramsey, Scott, Sherrod, Walden of Morgan, Walker, Whitfield, of the house.—47.

Those who voted for Mr. Harralson, were Messrs. Griffin, Higgins, Hill Horn, Jemison, Jones of Fayette, McSpadden, Mitchell, Nelson, Rowe, Staton, Toulmin, Walker, Wood, Woodward, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Cary, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham, Dark, Easley, Ferrell, Fielder, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lane, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Parsons, Seay, Seale, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Wright Woods, of the house.—72.

Mr. Haralson having received a majority of all the votes given was declared by the Speaker to be duly and constitution-

ally elected solicitor of the 5th judicial circuit for the term prescribed by law.

Mr. Jemison moved to adjourn until 10 o'clock to-morrow.

Lost.

Mr Ramsey moved to adjourn until 12 o'clock to-morrow.

Lost.

The convention then proceeded to the election of a solicitor for the 8th judicial circuit Jere W. Williams, A. W. Starke, J. N. Arrington, J. McCaleb Wiley and John W. Harper, being in nomination.

Those who voted for Mr. Williams, were Messrs. President, Bullock, Chilton, Griffin, Jemison, of the Senate; and Messrs. Adams, Bowen, Chambers, Clayton, Scott, Walden of Morgan, Warren, of the House.—12.

Those who voted for Mr. Starke, were Messrs. Bynum, Higgins, Nelson, Rowe, of the Senate; and Messrs. Bell Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cowan, Davidson, Davis, Ferrell, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Humphries, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Coosa, Smith of Lauderdale, Taylor, Walden of Coosa, Walker, Whitfield, Wright, of the House.—46.

Those who voted for Mr. Arrington, were Messrs. Brewer, Burnett, Calhoun, Fleming, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Speaker, Abney, Brooks, Bryan, Fielder, Forney, Forsyth, Gilchrist, Hardwick, Herman, Hubbard, Huckabee, Hudgins, Latham, Musgrove, Ramsey, Seale, Sherrod, Slater, Tate of Macon, Thornton, Woods, of the house.—35.

Those who voted for Mr. Wiley, were Messrs. Cocke, Horn, Jackson, McIntyre, Stone of the Senate; and Messrs. Bradley, Cooper, Cunningham, Gibson, Goldsmith, Hale, Holley of Covington, Lane, Oats, Parsons, Rice, Seay, White, of the house.—18.

Those who voted for Mr. Harper, were Messrs. Austin, Cleveland, Staton, Wood, of the Senate; and Messrs. Aldridge, Flake, Fountain, Griffin of Dale, Thomas, of the house.—9.

Mr. Irby moved to adjourn until 10 o'clock to-morrow.

Lost.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a second time, Messrs. Wiley and Harper being withdrawn.



Those who voted for Mr. Williams, were Messrs. President, Bullock, Chilton, Cleveland, Horn, Jemison, McIntyre, of the Senate; and Messrs. Adams Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Gibson, Hobbs, Rice, Scott, Thomas, Walden of Coosa, Warren, White of the House.—22.

Those who voted for Mr. Starke, were Messrs. Bynum, Higgins, Nelson, Rowe, Staton, Wood, of the Senate; and Messrs. Abney, Bell, Bibb, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cary, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Humphries, Irby, Jack, Knox, Lane, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Coosa, Smith of Lauderdale, Walker, Whitfield, Wright, of the House.—49.

Those who voted for Mr. Arrington, were Messrs. Austin, Brewer, Burnett, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Hitchell, Patton, Toulmin, Walker, Woodward, of the Senate; and Messrs. Speaker, Aldridge, Bradley, Brooks, Burgess, Clifton, Cunningham, Easley, Fielder, Forney, Forsyth, Gilchrist, Goldsmith, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Latham, Musgrove, Oats, Parsons, Ramsey, Seay, Seale, Sherrod, Slater, Tate of Macon, Thornton, Walden of Morgan, Woods, of the House.—50

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot a third time, when on motion of Mr. Higgins the convention adjourned until 10 o'clock to-morrow morning.

FRIDAY, 27th Jan., 1860.

House met at 10 o'clock.

Leave of absence was granted Messrs. Shepard and Smith of Coosa.

Upon motion of Mr. Clitherall, the Senate appeared in the hall of the House and resumed the election of solicitor for the 8th circuit. Third ballot.

Those who voted for Mr. Starke are, Messrs. Bynum, Higgins, Nelson, Rowe, Stone, Wood, of the Senate: and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lane, Lesueur, Lloyd, Lowe, Mabry, McMurry, Meadows, Musgrove,

Neal, Overall, Smith of Lauderdale, Thomas, Walker, Whitfield, Wright, of the House.—47.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Abney, Aldridge, Barlow, Bradley, Brooks, Burgess, Bush, Clifton, Cunningham, Davidson, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Latham, Oats, Parsons, Ramsey, Seay, Seale, Slater, Tate of Macon, Thornton, Woods, of the House.—50.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Cleveland, Horn, Jemison, of the Senate: and Messrs. Adams, Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Hobbs, Rice, Scott, Sherrod, Taylor, Walden of Coosa, Walden of Morgan, Warren, White, of the House.—21.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to ballot the fourth time.

Those who voted for Mr. Starke are, Messrs. Higgins, Nelson, Rowe, Stone, Wood, of the Senate: and Messrs. Speaker, Abney, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lane, Lesueur, Lloyd, Mabry, McMurtry, Meadows, Musgrove, Neal, Overall, Smith of Lauderdale, Thomas, Walden of Coosa, Walker, Whitfield, Wright, of the House.—46.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jones of Fayette, Jones of Greene, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Aldridge, Barlow, Bradley, Brooks, Bryan, Burgess, Bush, Clifton, Cunningham, Davidson, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Oats, Parsons, Ramsey, Seay, Seale, Slater, Tate of Macon, Taylor, Thornton, Woods, of the House.—48.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Cleveland, Horn, Jackson, Jemison, McIntyre, of the Senate: and Messrs. Adams, Bowen, Chambers, Clayton, Davis, Flake, Fountain, Hobbs, Lowe, Rice Scott, Sherrod, Walden of Morgan, Warren, White of the House.—22.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the fifth ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood of the Senate: and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Walker, Whitfield, Wright, of the House.—45.

Those who voted for Mr. Arrington are, Messrs. Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Abney, Aldridge, Barlow, Bradley, Brooks, Bush, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Lane, Latham, Musgrove, Oats, Parsons, Ramsey, Seay, Slater, Tate of Macon, Taylor, Thornton, Walden of Coosa, Woods, of the House.—53.

Those who voted for Mr. Williams are, Messrs. President, Bullock, Horn, Jackson, Jemison, McIntyre, of the Senate: and Messrs. Adams, Bowen, Bryan, Chambers, Clayton, Flake, Fountain, Hobbs, Rice, Scott, Sherrod, Walden of Morgan, Warren, White, of the House.—20.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the sixth ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood, of the Senate: and Messrs. Speaker, Abney, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cowan, Dark, Ferrell, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lesueur, Lloyd, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Walden of Morgan, Whitfield, Wright of the House.—44.

Those who voted for Mr. Arrington are, Messrs. President, Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Aldridge, Barlow, Bradley, Brooks, Bryan,

Burgess, Bush, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Lane, Latham, Musgrove, Oats, Parsons, Ramsey, Scott, Seale, Slater, Tate of Macon, Taylor, Thornton, Walker, Woods, of the House.—56.

Those who voted for Mr. Williams are, Messrs. Bullock, Horn, Jemison, McIntyre, of the Senate: and Messrs. Bowen, Chambers, Clayton, Flake, Fountain, Hobbs, Lowe, Rice, Sherrod, Walden of Coosa, Warren, White, of the House.—16.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the 7th ballot.

Those who voted for Mr. Starke are, Messrs. Cleveland, Higgins, Nelson, Rowe, Stone, Wood, of the Senate: and Messrs. Speaker, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Carter, Cary, Clapp, Clitherall, Coleman, Cooper, Cowan, Dark, Ferrell, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Irby, Jack, Knox, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Overall, Smith of Lauderdale, Thomas, Whitfield, Wright, of the House.—43.

Those who voted for Mr. Arrington are, Messrs. President, Brewer, Burnett, Bynum, Calhoun, Cocke, Fleming, Griffin, Hill, Jackson, Jones of Fayette, Jones of Greene, McSpadden, Mitchell, Patton, Staton, Toulmin, Walker, Woodward, of the Senate: and Messrs. Abney, Aldridge, Bradley, Brooks, Bryan, Bush, Clifton, Cunningham, Davidson, Davis, Easley, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Dale, Hale, Hardwick, Herman, Holley of Covington, Hubbard, Hudgins, Humphries, Latham, Musgrove, Oats, Parsons, Ramsey, Scott, Seay, Seale, Slater, Tate of Macon, Taylor, Thornton, Walden of Coosa, Walker, Woods, of the House.—59.

Those who voted for Mr. Williams are, Messrs. Bullock, Horn, McIntyre, of the Senate: and Messrs. Adams, Bowen, Chambers, Clayton, Flake, Hobbs, Lane, Rice, Sherrod, Walden of Morgan, Warren, White, of the House.—15.

Mr. Arrington having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected solicitor of the 8th circuit for the term prescribed by law.

The convention proceeded to the election of a solicitor for the 10th circuit, Jno. H. Caldwell and G. C. Ellis being in nomination.

Those who voted for Mr. Caldwell are, Messrs. President, Brewer Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke,

Fleming, Griffin, Higgins, Horn, Jackson, Jones of Greene, McIntyre, Mitchell, Nelson, Patton, Rowe, Stone, Woodward, of the Senate: and Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Chambers, Clayton, Clifton, Clitherall, Coleman, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Flake, Gilchrist, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Jones, Knox, Lane, Lesueur, Lloyd, Lowe, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Sherrod Smith of Lauderdale, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Warren, Whitfield, Wright, Woods, of the House.—88.

Those who voted for Mr. Ellis are, Messrs. Hill, Jemison, Jones of Fayette, McSpadden, Staton, Toulmin, Walker, Wood, of the Senate: and Messrs. Aldridge, Bush, Clapp, Easley, Forney, Forsyth, Fountain, Gibson, Griffin of Marshall, Hardwick, Hightower, Hudgins, Humphries, Latham, McMurry, Parsons, Seale, Slater, Taylor, Walden of Coosa, White, of the House.—29.

Mr. Caldwell having received a majority of all the votes given, was declared by the Speaker to have been duly and constitutionally elected solicitor for the 10th circuit for the term prescribed by law.

The convention proceeded to the election of a solicitor for the 11th circuit. R. H. Chapman, R. H. Dawson, E. W. Martin and Jas. G. Goode being in nomination.

Those who voted for Mr. R. H. Chapman are, Messrs. Higgins, Hill, McSpadden, Rowe, Walker, of the Senate: and Messrs. Bell, Burgess, Carter, Flake, Huckabee, Humphries, Lane, Lesueur, Overall, Parsons, Rice, Scott, Thomas, Wright, of the House.—18.

Those who voted for Mr. R. H. Dawson are, Messrs. Austin, Brewer, Bullock, Calhoun, Cocke, Griffin, Jemison, Jones of Greene, Patton, Staton, Stone, Wood, Woodward, of the Senate: and Messrs. Abney, Bowen, Brooks, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Smith of Lauderdale, Tate of Macon, Thornton, White, Whitfield, Woods, of the House.—45.

Those who voted for Mr. E. W. Martin are, Messrs. Burnett, Fleming, Horn, McIntyre, Mitchell, Nelson, Toulmin, of the

Senate: and Messrs. Adams, Aldridge, Bibb, Bowden, Bradley, Bush, Cary, Clapp, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Hardwick, Herren of Tallapoosa, Hightower, Holley of Tall., Hubbard, Jack, Knox, Latham, Lowe, McMurry, Starke, Walden of Coosa, Walden of Morgan, of the House.—38.

Those who voted for Mr. James J. Goode are, Messrs. President, Bynum, Cleveland, Jackson, Jones of Fayette, of the Senate: and Messrs. Speaker, Barlow, Brown of Marion, Fielder, Griffin of Marshall, Hearin of Clarke, Martin, Sherrod, Slater, Walker, of the House.—15.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the second ballot.

Those who voted for Mr. Chapman are, Messrs. Higgins, Hill, McSpadden, Walker of the Senate: and Messrs. Bell, Burgess, Carter, Flake, Huckabee, Humphries, Lane, Lesueur, Overall, Parsons, Rice, Scott, Wright of the House.—17.

Those who voted for Mr. Dawson are, Messrs. Brewer, Bullock, Calhoun, Cocke, Griffin, Jackson, Jemison, Jones of Greene, Patton, Staton, Stone, Wood, Woodward, of the Senate: and Messrs. Abney, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Fasley, Fielder, Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the House.—51.

Those who voted for Mr. Martin are, Messrs. Burnett, Fleming, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Rowe, Toulmin, of the Senate: and Messrs. Adams, Aldridge, Bibb, Bowden, Bradley, Bush, Cary, Clapp, Cooper, Cowan, Cunningham, Dark, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Jack, Knox, Latham, Lowe, McMurry, Starke, Taylor, Walden of Coosa, Warren, of the house.—41.

Those who voted for Mr. Goode are, Messrs. President, Bynum, Cleveland, of the Senate: and Messrs. Speaker, Barlow, Davis, Griffin of Marshall, Hearin of Clarke, Martin Sherrod, Slater, of the House.—11.

The name of Mr. Goode being withdrawn.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the third ballot.

Those who voted for Mr. Chapman are, Messrs. Higgins, Hill, McSpadden, of the Senate: and Messrs. Bell, Carter,

Huckabee, Lane, Lesueur, Overall, Parsons, Rice, Scott, Wright, of the house.—13.

Those who voted for Mr. Dawson are, Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Griffin, Jackson, Jemison, Jones of Greene, Patton, Rowe, Staton, Stone, Wood, Woodward, of the Senate; and Messrs. Abney, Barlow, Bowen, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fielder, Flake, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Lloyd, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Ramsey, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the house.—56.

Those who voted for Mr. Martin were, Messrs. Burnett, Cleveland, Fleming, Horn, Jones of Fayette, McIntyre, Mitchell, Nelson, Toulmin, Walker, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bowden, Bradley, Brooks, Brown of Marion, Burgess, Bush, Cary, Clapp, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Jack, Knox, Latham, McMurry, Starke, Taylor, Walden of Coosa, and Warren, of the House.—49.

The name of Mr. Chapman being withdrawn.

Neither of the candidates having received a majority of all the votes given, the convention proceeded to the fourth ballot.

Those who voted for Mr. Dawson were, Messrs. President, Brewer, Bullock, Bynum, Calhoun, Cocke, Griffin, Higgins, Jackson, Jemison, Jones G., Patton, Rowe, Staton, Stone, Wood, Woodward, of the Senate; and Messrs. Abney, Barlow, Bowen, Brown of Marion, Brown of Tuscaloosa, Bryan, Chambers, Clayton, Clifton, Clitherall, Coleman, Easley, Fielder, Flake, Fountain, Griffin of Jackson, Hale, Herman, Hobbs, Holley of Covington, Hudgins, Irby, Lloyd, Mabry, Martin, Meadows, Musgrove, Neal, Oats, Parsons, Ramsey, Rice, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, of the House.—63.

Those who voted for Mr. Martin were, Messrs. Burnett, Cleveland, Fleming, Hill, Horn, Jones of Fayette, McIntyre, McSpadden, Mitchell, Nelson, Toulmin, Walker, of the Senate; and Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowden, Bradley, Brooks, Burgess, Bush, Carter, Cary, Clapp, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Ferrell, Forney,

Forsyth, Gibson, Gilchrist, Griffin of Dale, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Humphries, Jack, Knox, Lane, Latham, Lesueur, Lowe, McMurry, Overall, Starke, Taylor, Walden of Coosa, Warren, Wright, of the house.—58.

Mr. Dawson having received a majority of all the votes given, was declared duly and constitutionally elected solicitor for the 11th circuit for the term prescribed by law.

The Senate then withdrew to their chamber.

The hour of 12 o'clock having arrived, for which their being several special orders, on motion of Mr. Walker, were suspended.

Mr. Hale, by leave, from committee on corporations, reported favorably to the bill to incorporate the Huntsville and Big Cove turnpike company; which was read the third time and passed.

Mr. Walker, from select committee, by leave, reported favorably to the bill to amend the charter of the Mobile Marine Dock and Mutual Insurance Company.

Which was read the third time and passed.

Mr. Huckabee, by leave, introduced a bill to amend section 1902, 1903 and 1906 of the Code, and for other purposes.

Which was read first and second times, under a suspension of the constitutional rule and referred to the judiciary committee.

Mr. Woods, by leave, introduced a bill to amend an act to charter the Alabama Insurance Company, approved Feb. 8, 1858.

Which was read first and second times and referred to the committee on corporations.

Mr. Ramsey, by leave, from committee on banks and banking, reported an amendment to the Senate bill to incorporate the Columbiana Insurance Company.

Which was adopted and the bill read the third time and passed.

Mr. Oats, by leave, introduced a bill to compensate Wm. Houston of the county of Franklin, for services rendered the State.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on accounts and claims.

Mr. Starke, by leave, from committee on divorce and alimony, reported a bill to divorce Sarah Nichols from her husband Edward Nichols, and to divorce other persons therein named.

Which was read first and second times, under a suspension of the constitutional rule.

Mr. Walker moved to amend as follows:



That, in pursuance of a decree in the Chancery Court of the 1st District of the Southern Chancery Division of this State, John D. Skillen be, and he is divorced from his wife, Sarah A. Skillen.

Adopted.

Mr. Parsons moved to amend as follows :

That, pursuant to a decree of the Chancery Court, Doretha R. Varnum be, and she is hereby divorced from her husband, Wm. H. Varnum.

Adopted.

Bill was read the third time and passed.

Mr. Lesueur, by leave, introduced a bill to authorize the compilation of the final records of the Circuit Court of the county of Marengo.

Which was read first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Chambers, by leave, introduced a bill to incorporate the Pioneer Hook and Ladder Company in the city of Eufaula.

Which was read first, second, and third times, under a suspension of the constitutional rule, and passed.

Mr. Fielder, by leave, introduced a bill for the relief of Jas. H. Owens of Choctaw county.

Which was read first and second times and referred to the committee on sixteenth sections.

Mr. Ferrell, by leave, introduced a bill to authorize Wm. Elsilbert and his associates, to build a dam across the Tallapoosa river in Randolph county, for manufacturing purposes.

Which was read first, second, and third times, and passed.

Also, a bill to authorize Wm. Elsilbert and his associates, to erect a toll bridge across Tallapoosa river.

Read first and second times and referred to the committee on local legislation.

Mr. Hubbard offered the following resolution :

*Resolved*, That after Monday next, the House will meet at 10 A. M. and adjourn at 1½ o'clock, meet again at 3 P. M. on each day.

A majority of the House may suspend this rule, which lies over one day.

Mr. Clitherall moved to take up and consider an unfinished report from the committee on corporations.

Carried.

Mr. Clitherall then withdrew his amendment to the bill to establish an act to amend the laws in relation to the Mobile Savings Company.

Which bill was read the third time and passed.

Mr. Brown of Marion moved to take from the table the bill for the relief of Isaac Franks and Teresa Franks.

Carried.

Mr. Clitherall moved to amend as follows:

Add after the parties named, against whom indictments are now pending in the circuit court at Marion county, charging the said parties with living in incestuous adultery, and the said parties being uncle and niece, but who have married 16 or 17 years, and have raised as the issue of said marriage, an interesting family of eight children.

Message from the Senate.

Senate, Jan. 26, 1860.

*Mr. Speaker:* The Senate has passed the bills which originated in the House:

For the relief of the heirs of Wm. Hann, deceased, late of Tuscaloosa county;

To change the place of holding the chancery court in Coosa county.

The Senate concurs in the amendment made by the House to the Senate bill, to create an additional term of the chancery court for the 26th chancery district of the northern division.

Has also originated and passed the following bills:

To incorporate Haw Ridge Academy;

To fix the boundary line between the counties of Shelby and St. Clair;

To compel the Alabama and Florida Railroad Company to drain the ponds along the line of said road.

Senate, Jan. 27, 1860.

*Mr. Speaker:* The Senate has adopted the following resolution:

*Resolved,* (the House concurring,) That the two Houses will meet informally in convention in the hall of the House of Representatives, to-morrow evening at 3 o'clock, for the purpose of hearing an address from O. M. Wozencroft, the bearer of a memorial from the State of California, to the General Assembly of this State in reference to the Pacific Railroad.

M. TAUL, Secretary.

Pending the consideration of the amendment of Mr. Clitherall, the hour of 1½ o'clock arrived.

The House stood adjourned until 10 o'clock to-morrow morning.

SATURDAY, 28th Jan., 1860

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Irby, from select committee, reported amendments to the bill to incorporate a medical college in Mobile.

Mr. Clitherall moved to amend the amendment of the committee as follows.

Sec. 8. *Be it further enacted*, That the President of the Board of Trustees of said medical College, shall be *ex officio* a member of the Board of Trustees of the University of Alabama.

Adopted.

The amendment of the committee was then adopted.

Mr. Wright moved to amend as follows :

Strike out the words " fifty thousand dollars."

Mr. Clitherall moved to lay the amendment on the table.

Carried.

Yeas 62, nays 19.

Ayes—Messrs. Speaker, Adams, Barlow, Bell, Bibb, Bowen, Bowdon, Brooks, Brown of Tuscaloosa, Bryan, Carter, Cary, Chambers, Clayton, Clitherall, Cunningham, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Knox, Lesueur, Mabry, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seale, Sherrod, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—62.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Bush, Clifton, Dark, Gibson, Hardwick, Holley of Covington, Humphries, Jack, Lane, Latham, Lloyd, Martin, Meadows, Thornton, Walden of Coosa, Wright.—19.

Mr. Dark moved to amend as follows:

"*And provided further*, That the sum of Twenty Thousand Dollars be, and the same is hereby appropriated to the Græfenburgh medical Institute in the county of Tallapoosa, for the purpose of furnishing a complete apparatus for the use of said institution, also for the repairing of the college building."

Mr. Clitherall called the previous question on ordering the bill to be read a third time forthwith.

Yeas 56, nays 27.

Yeas—Messrs. Speaker, Adams, Barlow, Bell, Bowen, Bowden, Bradley, Brooks, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clayton, Clitherall, Cunningham, Davidson, Davis, Fielder, Flake, Forney, Forsyth, Fountain, Gilchrist, Griffin of

Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Knox, Lesueur, Lowe, Mabry, Musgrove, Neal, Overall, Parsons, Ramsey, Rice, Scott, Seale, Tate of Macon, Taylor, Thomas, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—56.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Brown of Tuscaloosa, Burgess, Clifton, Cowan, Dark, Gibson, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Humphries, Jack, Lane, Latham, Lloyd, Martin, McMurry, Meadows, Sherrod, Smith of Lauderdale, Starke, Thornton, Walden of Coosa, Warren.—27.

The bill was then read a third time forthwith and passed.

Yeas 59, nays 25.

Yeas—Messrs. Speaker, Adams, Barlow, Bell, Bowen, Bowden, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clayton, Clitherall, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gilchrist, Griffin of Jackson, Griffin of Marshall, Aale, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Knox, Lesueur, Lowe, Mabry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Seay, Seale, Slater, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Walden of Morgan, Walker, White, Whitfield, Woods.—59.

Nays—Messrs. Aldridge, Brown of Marion, Burgess, Clapp, Clifton, Cowan, Dark, Gibson, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Humphries, Jack, Lane, Latham, Lloyd, Martin, McMurry, Meadows, Sherrod, Thornton, Walden of Coosa, Warren, Wright.—25.

Mr. Clitherall moved to re-consider the vote just taken, and to lay that motion on the table.

Carried.

The bill was ordered forthwith to the Senate.

Mr. Hobbs, from the committee on internal improvements, by leave, reported a substitute to sundry bills asking an appropriation, a part of the two and three per cent.

Also, to loan a portion of the 3 per cent. fund to the Mobile and Girard Railroad Company;

Also, to loan a portion of the 3 per cent. fund to the North-East and South-West Railroad Company;

To loan a portion of the 3 per cent. fund to the Alabama and Tennessee Rivers Railroad Company;

Which substitute was ordered to be made a special order for 11 o'clock on Monday, the 30th inst.

Senate, Jan. 27, 1860.

*Mr. Speaker:* The Senate has originated and passed bills with the following titles:

To incorporate the Southern Military Academy ;

To incorporate the Columbia True Blues in Henry county ;

To incorporate the Coffee Rifles in Coffee county.

Has also passed the following House bills:

To incorporate the Dayton Female Academy in the town of Dayton, Marengo county ;

To revive and amend the act incorporating the Broad Street hotel company, of Selma.

M. TAUL, Secretary Senate.

On motion of Mr. Walker, standing committees were allowed to report.

The following bills were reported favorably by Mr. Walker, from the judiciary committee, and read the third time and passed :

To authorize the probate judge of Madison county to act as guardian in a certain case ;

To enable M. M. George to remove her infant ward, A. Ellerbie English, beyond the limits of this State ;

To enable Nicholas Davis, trustee, to change the investment of trust fund ;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery.

Mr. Walker, from same committee, reported favorably to the bill to make Allen Reavis, of St. Clair county, a citizen of Jefferson county.

After several motions, which were withdrawn, on motion of Mr. Walker, the report and bill was laid on the table.

The hour of 12 o'clock having arrived, the Senate, by invitation, appeared in the hall of the house, and the two houses in joint convention proceeded to the election of a solicitor for the 6th judicial circuit ; Leonard F. Summers, Jno. R. Tomkins, Wm. J. Kennedy, Wm. J. O'Brien, and Henry F. Drummond being in nomination.

Those who voted for Mr. Tompkins are, Messrs. Bullock, Griffin, Rowe, Stone, Woodward, of the Senate ; and Messrs. Bell, Bowen, Bradley, Brooks, Bryan, Bush, Carter, Clayton, Clifton, Clitherall, Davidson, Fielder, Hardwick, Lloyd, Mabry, Martin, Meadows, Neal, Ramsey, Rice, Thornton, Whitfield, of the House.—27.

Those who voted for Mr. Summers are, Messrs. President, Brewer, Burnett, Bynum, Cleveland, Cocke, Fleming, Horn, Jones

of F., McIntyre, McSpadden, Mitchell, Patton, Staton, Walker, of the Senate: and Messrs. Speaker, Adams, Aldridge, Barlow, Bibb, Bowdon, Brown of Marion, Burgess, Clapp, Coleman, Cooper, Cowan, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Huckabee, Hudgins, Humphries, Jack, Latham, Lesueur, Lowe, McMurry, Musgrove, Oats, Overall, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Wright, of the House.—66.

Those who voted for Mr. Kennedy are, Messrs. Calhoun, Hill, Jemison, Toulmin, Wood, of the Senate; and Messrs. Chambers, Dark, Gibson, Irby, Parsons, Starke, of the House.—12.

Those who voted for Mr. Drummond are, Messrs. Higgins, Jackson, Jones of Greene, of the Senate; and Messrs. Cunningham, Hale, Holley of Covington, Hubbard, Warren, Woods, of the House.—9.

Those who voted for Mr. O'Brien are, Messrs. Cary, Knox, Lane, Walker, of the House.—4.

Mr. Summers having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected solicitor for the 6th judicial circuit for the term prescribed by law.

The Senate then withdrew to its chamber.

Mr. Clitherall, from the judiciary committee, reported favorably on the bill to repeal an act therein named, which was read the third time forthwith, and passed. The title was amended as follows: To repeal the act of February 14th, 1856, in relation to the rights and liabilities of stockholders in railroad or other companies, &c.

Mr. Thornton, from committee on roads, bridges and ferries, reported favorably on the bill to amend sections 1136 and 1137 of the Code of Alabama, as to the county of Monroe, which was read the third time and passed.

Mr. Walker, from the judiciary committee, to whom was referred the bills:

To amend section 2318 of the Code;

To compensate surgeons and physicians for attending coroner's inquests;

To authorize the coroners of this State to appoint bailiffs;

Reported a substitute for each, which were adopted; read the third time and passed.

Mr. Walker reported from the judiciary committee an amendment to the bill to authorize the executrix of Wm. Robinson, deceased, and the administrators of Robert Cole, deceased, to keep together the estates of their respective decedents, and for other purposes.

The amendment was adopted, and bill read third time forthwith and passed.

Mr. Walker, from same committee, reported a substitute for the bill for the benefit of insolvent persons confined in jail in any county in this State, which was adopted; read third time and passed.

Mr. Walker, from same committee, reported an amendment to amendment therein named in regard to the court of county commissioners of Limestone county, which was adopted. Bill read third time forthwith and passed.

Mr. Walker, from same committee, to whom was referred the bill to regulate the pay of witnesses before grand juries, reported it back to the house, and ask that they be discharged from its further consideration, since they have heretofore reported a similar bill on the same subject.

Granted.

And the report and bill on motion of Mr. Smith, of Lauderdale, was laid on the table.

Mr. Walker, from same committee, reported an amendment to the house on the bill to allow the probate judge of Pike county to take jurisdiction of the estate of Wm. McCullough, deceased, of Montgomery county, which was adopted. The bill was read third time forthwith, and passed.

Mr. Walker, from same committee, to whom was referred the Senate bill amendatory of an act approved Dec. 12, 1857, reported adversely thereto.

The house refused to concur in the report.

The bill was read the third time forthwith and passed.

The hour of one-half past one o'clock arrived, and the house stood adjourned until 3 P. M.

#### AFTERNOON SESSION, Jan. 28, 1860.

House met at 3 o'clock, when Mr. Speaker introduced Dr. Woozencraft, who addressed the house upon the importance of the great Pacific Railroad.

After the address, on motion of Mr. Clitheral the house adjourned until 10 o'clock on Monday.

#### MONDAY, Jan. 30, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Speaker laid before the house a record of divorce, which was referred to committee on divorce and alimony.

Mr. Speaker introduced a bill to be entitled, an act to re enact an act, which bill was read first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Ramsey, by leave, presented a petition of sundry citizens of Sumter county, which was referred to committee on local legislation.

Mr. Hubbard moved to take up and consider the rule offered by himself, proposing to hold two sessions each day.

Lost.

Mr. Sherrod moved to suspend the call of the counties for the purpose of introducing a resolution.

Lost.

Yeas 30, nays 43.

Yeas—Messrs. Bell, Brown of Marion, Bush, Clifton, Coleman, Dark, Davidson, Davis, Griffin of Marshall, Hardwick, Hearin of Clarke, Hubbard, Huckabee, Jack, Jones, Knox, Lloyd, Lowe, Martin, Meadows, Musgrove, Neal, Seale, Sherrod, Smith of Lauderdale, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, White.

Nays—Messrs. Speaker, Adams, Aldridge, Bibb, Brown of Tuscaloosa, Burgess, Carter, Chambers, Clapp, Clayton, Clitherrall, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Hale, Herman, Hightower, Holley of Covington, Hudgins, Humphries, Lane, Latham, Mabry, McMurry, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Starke, Thomas, Walker, Warren, Whitfield, Wright, Woods.

#### CALL OF COUNTIES.

The following bills were introduced, read the first, second and thtrd times, and passed, under a suspension of the constitutional rule :

Mr. Clayton: to regulate the time of holding the chancery courts in Barbour county ;

Also, to incorporate the Clayton female college, in Barbour county ;

Mr. Burgess: to repeal a certain act therein named, regulating the registration of claims in Dekalb county ;

Mr. Oats: to authorize the court of county commissioners of Franklin county to make appropriations for the relief of certain persons therein named ;



Mr. Hudgins: to authorize the owners of steam grist mills in Jackson county to take the 6th as toll for grinding;

Mr. Overall to regulate the jurisdiction and fees of justices of the peace in the city of Mobile;

Also, to incorporate the Mobile Hebrew Association;

Mr. Rice: in relation to the fees of justices and constables in beats 4 and 5 in the city of Montgomery;

Also, to amend the charter of the Montgomery gas light company;

Mr. Starke: to incorporate Spring Hill male and female academy, in Pike county;

Mr. Bell: to incorporate the Plantersville Institute, in Talladega county;

Mr. Bradley: to allow the commissioners of roads and revenue of the county of Perry, to build a bridge across Cahaba river, in said county;

Mr. Easley: to compensate bailiffs for Walker county.

The following bills were introduced, read first, second and third times, and passed, under a suspension of the constitutional rule:

Mr. Adams: more effectually to secure the property of wards;

Also, to compel railroad companies to pay for all damages done to persons' stock or other property;

Mr. Oats: to amend section 105 of the Code;

Mr. Hale: for the relief of the heirs at law of M. Rembert, deceased, late of Marengo county;

Also, to pay solicitors' fees out of fines and forfeitures in insolvent cases;

Mr. Lowe: to authorize guardians of non-resident persons of unsound mind to receive in this State personal property of such persons;

Also, to compel executors, administrators, or guardians, who have removed from this State without making a settlement, to make settlements with the court of probate;

Mr. Woods: in relation to witnesses;

Mr. Starke: to facilitate the collection of newspaper accounts in this State;

Mr. Bowdon: to amend article 3 of section 2462 of the Code of Alabama;

Also, to amend section 2298 of the Code;

Mr. Parsons: to amend the law relating to the separate estates of married women.

The following bills were introduced, read first and second

times, and referred to committee on corporations, under a suspension of the constitutional rule:

Mr. Hubbard: the better to enable railroad companies to manage their floating debt;

Also, to incorporate the Planters' Union.

The following bills were introduced:

Mr. Holley, of Covington: to authorize John Holley, of Coffee county, to establish a bridge or ferry in said county; which was read first and second times under a suspension of the constitutional rule, and ordered to a third reading forthwith.

Mr. Clitherall moved to lay the bill on the table.

Lost

Mr. Clitherall moved to reconsider the vote by which the bill was ordered to a third reading.

Lost.

The bill was then read a third time and passed.

Mr. Mabry: to authorize the Governor to issue a patent to Thomas Walker, of Dallas county, for certain school lands therein mentioned; which was read the first and second times under a suspension of the constitutional rule.

Mr. Hale moved to amend as follows:

*Provided*, The Governor shall be satisfied by proof that all the title of Wm. Blooms, the original purchaser of said lands, has descended to, or become vested in, the said Thos. Walker; which was adopted, and the bill read the third time and passed.

Mr. White: to establish a certain ferry therein named, in Washington county; which was read the first and second times under a suspension of the constitutional rule, and ordered to a third reading forthwith.

Mr. Clitherall moved to reconsider the vote by which the bill was ordered to a third reading.

Lost.

The bill was then read third time and passed.

The following bills were introduced, read first and second times under a suspension of the constitutional rule, and referred to the committee on ways and means:

Mr. Parsons: for the encouragement of home industry in this State;

Mr. Adams: to increase the pay of judges of probate;

Mr. Starke; a memorial in regard to small pox; referred to committee on ways and means.

The following bills were introduced, read first and second times under a suspension of the constitutional rule, and re-

ferred to committee on propositions and grievances, as well as the following petitions:

Mr. Chambers: for the relief of Jno. J. Boswell;

Mr. Holley, of Covington: to relieve Asa Carter, Jr., of the county of Covington, from the disabilities of being a minor:

Mr. Clitherall: provided, he be confined in his range, to the county of Covington;

Mr. Davidson: petition of David Scott and others;

Mr. Bradley: petition of A. P. Johnson and others;

Mr. Brown, of Tuscaloosa: petition of sundry citizens for an anti-liquor law.

The following bills were introduced, read first and second times under a suspension of the constitutional rule, and referred to committee on local legislation:

Mr. Meadows: to authorize W. W. Jamison, of Chambers county, to practice medicine and charge for the same;

Mr. Bibb: for the relief of Hannah Emeline Ferguson.

Mr. Warren introduced bill for the relief of Elizabeth Brooks, in Coffee county. Read first and second times under a suspension of the constitutional rule, and referred to committee on 16th sections;

Also, the petition of sundry citizens of Bugbeeville, in the county of Coffee; which was referred to committee on corporations, with instructions to report by bill or otherwise.

Senate, January 30, 1860.

Mr. Speaker: The Senate has originated and passed bills of the following titles:

To authorize registers in chancery to appoint trustees in certain cases therein named;

To incorporate the Pickensville branch of the Mobile and Ohio railroad company;

To amend and extend the charter of the East and West Alabama railroad company;

Also, that of the Wetumpka and Montevallo railroad company;

To provide for, and paying over, costs in certain cases.

Has also passed the following house bills:

To incorporate the Alabama Presbytery of the Cumberland Presbyterian church;

The revise and amend the act incorporating the Selma fire company.

Has amended, as therein shown, and passed the house bills:

To amend the charter of the Marion and Cahaba railroad company;

To repeal an act therein named.

Has rejected the house bill:

To authorize executors and administrators in certain cases to invest the surplus moneys in their hands.

Has originated and passed a bill to amend an act entitled, An act to amend section 2471 of the Code.

M. TAUL, Secretary Senate.

*Mr. Speaker:* The Senate insists on its amendment to the house bill to re-organize and fix the times of holding the courts of chancery in the middle chancery division.

M. TAUL, Secretary.

Mr. Davidson presented the petition of A. Blake and others, of Bibb county, which was referred to committee on roads, bridges and revenues.

Mr. Woods introduced a bill to authorize R. G. Welsh to erect gates across a certain public road therein named, which was read the first and second times under a suspension of the constitutional rule, and rererred to committee on roads, bridges and ferries.

Mr. Smith, of Lauderdale, introduced a bill to purchase certain arms therein named, which was read the first and second times under a suspension of the constitutional rule, and referred to committee on the military.

Mr. Rice introduced a bill to authorize the construction of cisterns near the capitol, which was read the first and second times under a suspension of the constitutional rule, and referred to committee on the State capitol.

Mr. Clitherall introduced a bill to amend section 1058 of the Code; read first and second time, under a suspension of the constitutional rule, and referred to a select committee of three. Messrs. Clitherall, Starke and Forsyth.

Mr. Mabry introduced a bill to authorize the Governor to deliver up certain bonds therein named; which was read first and second time, under a suspension of the constitutional rule, and referred to a select committee of five, consisting of Messrs. Mabry, Wright, Walden of Morgan, Neal, Fountain.

Mr. Brown of Tuscaloosa, introduced a bill to incorporate the Tuscaloosa insurance company; which was read first and second time, under a suspension of the constitutional rule.

Mr. Clitherall moved the same amendment heretofore offered by him to all bills of incorporating insurance companies; which was referred to committee on banks and banking.

Mr. Whitfield introduced a bill to authorize counties, towns

and cities to take stock in railroads upon the concurrence of two-thirds of their respective voters, which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

The House then proceeded to the consideration of the special order, being the substitute reported by the committee on internal improvements, appropriating the two and three per cent. funds.

Mr. Oats moved to amend as follows: By deducting the sum of \$25,000 from the amount appropriated to the Alabama and Tennessee rivers railroad, to be appropriated to the removing of the obstruction to navigation known as the Colbert Shoals, in Tennessee river.

Mr. Cooper moved the indefinite postponement of the bill and amendment.

Mr. Clitherall moved that when the House adjourn, it adjourn to meet at 3 o'clock P. M.

Carried.

When the House, on motion of Mr. Forsyth, (Mr. Hale in the chair) adjourned.

#### AFTERNOON SESSION, 30th January.

House met pursuant to adjournment.

Mr. Speaker called the attention of the House to a standing rule of the house, that when the hour of half-past 1 o'clock arrives, the house must under that rule, unless a motion lying over one day be given, adjourn under the rule, and that the session this afternoon is beyond the control of the House, from which decision Mr. Clitherall appealed, and the house sustained the chair.

Whereupon, the Speaker announced the house adjourned.

#### THURSDAY, Jan. 21, 1860.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

Leave of absence was granted to Mr. Hearin of Clarke.

House proceeded to the consideration of the Senate message.

The Senate bill to incorporate the Haw Ridge Academy, and to amend and extend the charter of the East and West Alabama railroad company;

Also, that of the Wetumpka and Montevallo railroad company; were severally read first and second times, under a suspension of the constitutional rule, and referred to the committee on corporations.

The following Senate bills were read the first and second times, under a suspension of the constitution rule and passed:

To incorporate the Columbia True Blues, in Menry county ;

To incorporate the Coffee Rifles, in Coffee county ;

To incorporate the Southern military academy ;

To compel the Alabama and Florida railroad company to drain the ponds along the line of said road ;

To amend an act entitled an act to amend section 2471 of the Code ;

To incorporate the Pickensville branch of the Mobile and Ohio railroad company ;

The Senate bill to authorize registers in chancery to appoint trustees in certain cases therein named, was read the first and second times, under a suspension of the constitutional rule, as also was the bill to provide for and paying over costs in certain cases.

Mr. Walker moved to amend by adding the "city court clerk of Mobile."

Adopted.

And the bills were severally referred to the judiciary committee.

The Senate bill to fix the boundary line between the counties of Shelby and St. Clair, was read the first and second time under a suspension of the constitutional rule and referred to the committee on county boundaries.

The House concurs in the amendments of the Senate to the House bills, to amend the charter of the Marion and Cahaba railroad companies.

To repeal an act therein named, so far as it relates Coosa county.

Mr. Ramsey, by leave introduced a bill to provide for the extension of the 16th section notes, in township 22, range 2 west, in Sumter county ; which was read the first and second times under a suspension of the constitutional rule, which on motion of Mr. Cooper was laid on the table.

Mr. Cooper moved to suspend the business before the House, to allow the committee on the 16th section to report.

Lost.

Message from the Senate by Mr. Roberts :

Senate, January 31, 1860.

Mr. Speaker: The Senate has passed bills which originated in the House, with the following titles :

To allow Sam'l. Crosbie and J. J. Bailey, to erect fish traps on Big Bear creek, in the county of Franklin ;

To make the clerk of the city court of Mobile elected by the people ;

To enable the corporate authorities of the city of Mobile, to grant the privilege of constructing railroads within the corporate limits of said city;

To authorize Uriah Dynn of Pike county, to make a final settlement with his ward J. J. Bradshaw;

The Senate refuses to concur in the first amendment, and concurs in the second made by the House to the Senate bill;

To exempt certain property from levy and sale;

And refuses to concur in the amendments made by the House to the Senate Bill;

To prevent the game of Keno, and other games;

Has originated and passed the following bills:

To amend the charter of the town of Rodgerville, in Lauderdale county;

To amend the charter of the town of Cahaba;

Also, concurs in the amendments by the House to the Senate bill;

More effectually to punish the crime of incest.

M. TAUL, Secretary.

Mr. Overall from select committee to whom was referred the bills—

To authorize the commissioners of Mobile county to elect an inspector of sawed lumber and square timber for said county;

To incorporate the Mobile magnolia association;

To amend an act entitled, An act to authorize the construction of a plank or shell road along the bay of Mobile, approved 10th February, 1854;

Reported amendments thereto;

Also, reported a substitute to provide for the more effectual collection of the city taxes in the city of Mobile, and for other purposes;

Which amendments and substitute were severally adopted and read the third time forthwith, and passed.

Mr. Knox, by leave, introduced a bill to change the name of Mary F. McBride to that of Mary F. Stamford, which was read the first, second and third times under a suspension of the constitutional rule, and passed.

On motion of Mr. Walker, the call of the counties was suspended.

Mr. Clitherall moved that committees report in their order.

Mr. Davis moved to lay the motion on the table, which was lost.

Yeas 14, nays 63.

Ayes—Messrs. Aldridge, Bryan, Davis, Hardwick, Hobbs,

Holley of Covington, Lloyd, Martin, Rice, Sherrod, Thornton, Walden of Morgan, White.

Nays—Messrs. Speaker, Bell, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Cary, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Hubbard, Huckabee, Hudgins, Humphries, Jack, Jones, Knox, Lane, Latham, Lowe, Mabry, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Scott, Seay, Seale, Smith of Lauderdale, Starke, Tait of Wilcox, Thomas, Walden of Coosa, Walker, Warren, Whitfield, Wright.

Mr. Clitherall's motion then prevailed.

Mr. Davis offered the following resolution, which lies over one day :

*Resolved*, That from and after this day the house will meet at 7 o'clock P. M., for the purpose of attending to business of local and special legislation.

Mr. Clitherall reported from judiciary committee the bill to authorize the judges of the circuit courts to preside in their own circuits, without interchanging with each other, without amendment.

Mr. Smith of Lauderdale, moved to lay the bill on the table.

Yeas 27, nays 41.

Lost.

Ayes—Messrs. Speaker, Adams, Bell, Bowden, Brown of Marion, Coleman, Cooper, Dark, Davidson, Ferrell, Gibson, Herman, Hightower, Hobbs, Humphries, Jones, Lane, Latham, Lowe, Oats, Parsons, Scott, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, White, Wright.

Nays—Messrs. Aldridge, Bibb, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clifton, Clitherall, Cowan, Cunningham, Easley, Forney, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Huckabee, Hudgins, Jack, Knox, Lloyd, Mabry, Martin, Musgrove, Neal, Overall, Ramsey, Slater, Starke, Walker, Warren, Whitfield, Woods.

Mr. Clitherall moved the bill be ordered to a third reading forthwith.

Yeas 54, nays 25.

Carried.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Clitherall, Coleman, Cowan, Cunningham,



Dark, Davidson, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Holley of Covington, Huckabee, Hudgins, Jack, Knox, Lane, Lloyd, Mabry, Martin, McMurry, Meadows, Neal, Overall, Ramsey, Seay, Slater, Starke, Thornton, Walker, Warren, Whitfield.

Nays—Messrs. Bowden, Brown of Marion, Cooper, Davis, Forsyth, Hearin of Clarke, Hobbs, Hubbard, Humphries, Jones, Latham, Lowe, Musgrove, Oats, Parsons, Seale, Sherrod, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, White, Wright, Woods.

The bill was read the third time and passed.

Yeas 52, nays 27.

Yeas—Messrs. Speaker, Adams, Aldridge, Bibb, Bowen, Bradley, Brown of M., Brown of Tuscaloosa, Bryan, Bush, Cary, Chambers, Clapp, Clifton, Clitherall, Coleman, Cunningham, Davidson, Easley, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Hightower, Holley of Covington, Huckabee, Hudgins, Jack, Knox, Lane, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Ramsey, Seay, Slater, Starke, Thornton, Walker, Warren, Whitfield, Woods.

Nays—Messrs. Bell, Bowden, Burgess, Carter, Cooper, Dark, Davis, Ferrell, Flake, Hearin of Clarke, Herman, Hobbs, Hubbard, Humphries, Jones, Latham, Lowe, Oats, Parsons, Seale, Sherrod, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, Wright.

Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills which originated in the house of representatives of the following titles:

An act to incorporate the Eutaw insurance company, in Greene county;

An act to amend the mechanics' lien law of Dallas, Pike, and Coosa counties;

An act for the relief of the idiotic sons of Eli Watts, of Marshall county;

An act to repeal the law declaring Chattooga a public highway;

An act to amend the charter of the town of Talladega;

An act to construe section 1738 of the Code;

An act to amend section 1473 of the Code of Alabama.

WATKINS PHELAN, Priv. Sec'y.

Mr. Clitherall moved to re-consider the vote just taken, and lay that motion on the table.

Yeas 56, nays 19.

Carried.

Ayes—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Bowden, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Cary, Chambers, Clapp, Clifton, Clitherall, Coleman, Cunningham, Davidson, Easley, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Holley of Covington, Hubbard, Huckabee, Hudgins, Jack, Knox, Lane, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Seay, Slater, Starke, Thornton, Walker, Warren, Whitfield, Woods.

Nays—Messrs. Brown of Marion, Burgess, Cooper, Dark, Ferrell, Hearin of Clarke, Hobbs, Humphries, Jones, Latham, Lowe, Parsons, Seale, Smith of Lauderdale, Tait of Wiicox, Thomas, Walden of Coosa, Walden, of Morgan, Wright.

Mr. Walker, from Judiciary committee, reported an amendment to the bill for the relief of the estate of the late Hillary Foster, of Mobile county, which amendment was adopted; read the third time and passed.

Mr. Walker, from same committee, reported a substitute for the bill to regulate the proceedings in probate court, and for other purposes.

Pending the adoption of which, the hour of half past 1 o'clock arrived, and the house adjourned until 3 P. M.

#### AFTERNOON SESSION.

Mr. Woods asked leave to record his vote in the affirmative, on ordering the bill to amend the Code in regard to judges.

The house resumed the consideration of the substitute reported by the judiciary committee to the bill to regulate the proceedings in probate courts, and for other purposes.

Mr. Walker offered an amendment to come in at the end of third section, viz.: "Suit upon said bond may be brought in the individual name of any one of the parties interested in such undivided estate; and a recovery thereon shall not be a bar to a suit at the instance of the other obligors as to said bond."

Which was adopted, and then the substitute was adopted; bill was read third time forthwith and passed.

Mr. Hale, from the judiciary committee reported an amendment to the bill for the relief of Sarah Lindell and others, and as amended recommended its passage, which was read third time forthwith and passed.

Also, an amendment to the bill to amend the law in relation

to the removal of minors, which was adopted and the bill read the third time and passed.

Mr. Parsons, from the judiciary committee, reported favorably on the bill to authorize the probate court to grant an order to lease lands in certain cases, and the bill was forthwith read the third time and passed.

Mr. Walker, from the same, reported favorably on the bill for the relief of Nathaniel J. Nettles, of Monroe county, and recommended its passage.

Mr. Ramsey offered an amendment to add, "and F. H. Mel-lard, of the county of Barbour, ward of Marion A. Brownson, of said county, which was adopted.

Mr. Clitherall offered an amendment to add Henry J. Brittan, of Montgomery, which was adopted.

Mr. Griffin, of Marshall, moved to lay the bill on the table. Carried.

The following bills were reported favorably on from the judiciary committee by Mr. Walker:

Senate bills to pay witnesses and costs in Lowndes and Mont-gomery counties in certain cases ;

To regulate amendments in chancery ;

To place the widows of deceased persons upon an equality with other distributees of their estates ;

House bills to enable the executor and executrix of the last will and testament of H. B. Wooten, deceased, to invest the accumulated funds of said estate in personal and real estate.

Which bills were severally read the third time and passed.

Mr. Walker, from same committee, reported an amendment to the bill for the more effectual protection of estates of intem-perate persons.

Adopted.

Read the third time, and passed.

Mr. Walker, from same committee, reported the bills:

To regulate the pay of jurors in charge of ;

To better regulate the pay of tales jurors in certain cases ;

Have considered the same, and recommend the passage of the former.

Mr. Clitherall moved to amend as follows:

This act shall apply to all cases now pending in any circuit court in this State under a change of venue hereafter made.

Adopted.

Mr. Chambers moved to amend by adding section 4:

*Be it further enacted*, That in all cases where application is made for change of venue in criminal cases, the defendant shall

be required to plead to the indictment before such application is granted.

Mr. Walker moved to amend the amend by adding, "all applications for a change of venue, when the application is properly fortified by affidavit, the court shall grant the same.

On motion of Mr. Hubbard, the amendment of Mr. Walker was laid on the table.

On motion of Mr. Walker, the amendment of Mr. Chambers was laid on the table.

On motion of Mr. Warren, the previous question was sustained, and the bill was read the third time and passed.

Mr. Walker reported from the same committee favorably to the bill to authorize Lewis Witherspoon, a free negro, to become a slave.

Mr. Clayton moved to amend by making the provisions of the bill apply to Cora, a free person of color, of Chambers.

Adopted.

Mr. Walker, from the same committee, reported favorably on the bill for the relief of the children of Jno. Stewart and Rose Stewart.

Mr. Clitherall moved to amend any law, usage, or custom to the contrary notwithstanding, and striking out section 3d.

Amendment was adopted, and bill was read third time and passed.

The bill to repeal section 436 of the Code of Alabama, Mr. Walker reported adversely thereto. The house refused to concur in the report.

Mr. Starke moved to amend so far as relates to the counties of Pike and Coffee.

Adopted.

Mr. Smith, of Lauderdale, moved to lay the bill on the table.

Lost.

The bill was then read the third time and passed.

The title of the bill was amended so as to correspond with the amendment of Mr. Starke.

Mr. Wright, from select committee, reported favorably on the bill to regulate fees for marriage license in Benton county ; read third time and passed.

Mr. Whitfield, from the committee on internal improvements, reported a substitute for the joint resolutions accepting the donation of lands by congress to the State of Alabama for the construction of a railroad from Elyton to a point at or near Beard's Bluff, on the Tennessee river, Alabama ; which was adopted, and resolutions read third time and passed.

Mr. Clayton, from committee on federal relations, reported

an amendment to the bill to impose a tax on sales of goods, wares and merchandise manufactured or purchased in the State of Massachusetts, and on his motion the bill was referred to the committee on non-intercourse.

Whereupon, the hour of 5 o'clock having arrived, the house stood adjourned.

WEDNESDAY, Feb. 1, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

On motion of Mr. Hubbard, the house proceeded to the consideration of the resolution on the Harper's Ferry outrage, as reported from the committee on federal relations.

Mr. Cunningham withdrew the call for the previous question.

Mr. Clayton moved to suspend all special orders.

Carried.

Mr. Brown, of Tallapoosa, moved to amend the resolution of the Speaker as follows:

*Resolved further*, That the adoption of the foregoing resolution shall not be so amended as to warrant the conclusion that we have been unmindful of those of our Northern brethren who so gallantly contended for the full constitutional rights of the South, and who are so justly entitled to our confidence and admiration.

Mr. Speaker (Mr. Cooper in the chair,) accepted the above as an additional resolution to his.

Mr. Rice offered the following amendment:

*Resolved further* That every man living in a Northern State, who is not in favor of murder, arson, robbery, and rebellion in the slaveholding States, rather than allow the Southern people to enjoy peacefully their property in slaves, is entitled to the thanks of this house, and is hereby "white washed."

Mr. Clitherall offered the following resolution:

*Resolved*, That in the opinion of this house, the election of a President advocating the opinions and pledges to enforce the principles of the Black Republican party, will of itself be cause sufficient for the Southern States to dissolve the compact of union with the Northern States and establish for themselves a confederacy of, and for the South; and that upon the election of such President immediate steps should be taken to establish a Southern confederacy.

Mr. Speaker (Mr. Cooper in the chair,) raised the point of order that the above resolution was not to the question before the house.

The Speaker so decided, from which decision Mr. Clitherall appealed.

Yeas 44, nays 30.

The house sustained the chair.

Yeas—Messrs. Speaker, Adams, Brooks, Brown of Marion, Brown of T., Bush, Carter, Olfiston, Cooper, Cunningham, Fielder, Flake, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Irby, Knox, Lowe, Mabry, Martin, Neal, Oats, Ramsey, Scott, Seale, Slater, Smith of Lauderdale, Starke, Tait of Wilcox, Thornton, Walden of Morgan, Warren, White, Wright, Woods.

Nays—Messrs. Aldridge, Bell, Chambers, Clayton, Clitherall, Dark, Davidson, Davis, Easley, Ferrell, Forney, Fountain, Griffin of Dale, Hale, Herren of Tallapoosa, Huckabee, Humphries, Jones, Lane, Latham, McMurry, Meadows, Musgrove, Overall, Parsons, Seay, Tate of Macon, Thomas, Whitfield.

Senate, Feb. 1, 1860.

*Mr. Speaker:* The Senate has originated and passed bills:

To incorporate the Columbus and Florence railroad company;

To incorporate the Western railroad company, of the State of Alabama.

Amended house bills for the relief of Reese Price, late of Marengo county, and has rejected the house bill to alter and amend an act incorporating the town of Girard, in the county of Russell.

M. TAUL, Secretary.

When the hour of one-half past one o'clock arrived, and the house stood adjourned until 10 o'clock to-morrow.

THURSDAY, Feb. 2, 1860.

The house met pursuant to adjournment.

The reading of the journal was dispensed with.

Leave of absence was granted to Mr. Hearin, of Clarke.

Mr. Mabry moved to amend the rules of the house as follows:

*Resolved,* That after this week, the house will meet daily at one-half past 9 o'clock A. M., and at 3 P. M.; and that each evening shall be devoted to the reception of reports from committees, unless otherwise ordered by a two-thirds vote of the house.

Lies over on day.

The house resumed the consideration of the report from the

committee on federal relations and the resolutions connected therewith.

Mr. Davis moved the previous question on the report.

Lost.

Yeas 38, nays 51.

Ayes—Messrs. Speaker, Adams, Bell, Brooks, Brown of Tuscaloosa, Bush, Calhoun, Davis, Fielder, Forney, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Hobbs, Hudgins, Jack, Jones, Lane, Lowe, Mabry, Martin, Ramsey, Scott, Seay, Seale, Sherrod, Slater, Smith of Lauderdale, Starke, Tait of Wilcox, Thornton, Walden of Morgan, Warren, White, Wright.

Nays—Messrs. Aldridge, Bibb, Bowen, Bowdon, Brown of Marion, Burgess, Carter, Cary, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cunningham, Dark, Davidson, Easley, Flake, Forsyth, Fountain, Gibson, Griffin of Dale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Irby, Knox, Latham, Lloyd, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Smith of Coosa, Tate of Macon, Taylor, Thomas, Walden of Coosa, Walker, Whitfield, Woods.

Mr. Rice moved the indefinite postponement of the whole subject, when the hour of one-half past one o'clock arrived, and the house stood adjourned until 3 P. M., Mr. Starke entitled to floor.

#### AFTERNOON SESSION, Feb. 2, 1860.

House met pursuant to adjournment.

Mr. Starke entitled to the floor upon the resolutions and report in regard to the Harper's Ferry outrage.

The roll was called, and 47 members answered to their names.

Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Brown of Marion, Brown of Tuscaloosa, Chambers, Clitherall, Cowan, Davidson, Ferrell, Forney, Gibson, Griffin of Marshall, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Jack, Jones, Latham, Lloyd, Martin, McMurry, Meadows, Neal, Oats, Overall, Ramsey, Scott, Seale, Starke, Taylor, Thomas, Walden of Coosa, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

When on motion of Mr. Brown, of Marion, the doorkeeper was sent for absent members.

A quorum was found and announced, and Mr. Starke proceeded with his remarks.

When a few minutes to 5 o'clock, on motion of Mr. Walker,

the house adjourned until 10 o'clock to-morrow, Mr. Hubbard claiming the floor.

FRIDAY, Feb. 3, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

House resumed the consideration of the report of the committee on federal relations and the resolutions upon the subject of the Harper's Ferry outrage.

Message from the Senate by Mr. Roberts.

Senate, Feb. 3, 1860.

*Mr. Speaker :* The Senate has originated and passed bills with the following titles :

To authorize J. W. Wesson and Elisha King, and also John W. Wesson, to erect dams across Big Wills' Creek ;

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named ;

To authorize the issuance of executions from the chancery courts in certain cases ;

For the relief of Martha Adams, of Perry county, and Olivia Brown, of Mobile county ;

For the relief of the tax collector of Henry county ;

To repeal and amend the road laws, so far as they are applicable to certain townships east of the Tombeckbee river, and lying in Marengo county.

Has also passed the house bills with the following titles :

To authorize William H. Nevill, of Sumpter county to erect gates across a certain public road ;

To authorize John G. Ward, of the county of Dale, to erect gates across a certain public road therein named ;

To prohibit the sale of intoxicating liquors within certain limits in Limestone county ;

To regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors ; to incorporate the Lineville mail and female academy, in Talladega county ;

Has rejected the house bills :

To amend an act entitled, An act to authorize the sale of personal property for distribution, approved February 16th, 1854, and to amend section 1678 of the Code.

Also concurs in the amendment made by the house to the senate bill to amend section 2318 of the Code.

The Senate has originated and passed a bill for the relief of John J. Woodward, and to appoint solicitors.

M. TAUL, Secretary Senate.



Mr. Hubbard concluded, and moved the previous question.

Mr. Davis moved to lay the whole subject on the table.

Lost.

Yeas 39, nays 51.

The previous question was then put and carried.

Mr. Walker moved that the vote be taken on the last resolution offered by Mr. Brown of Tuscaloosa, accepted as an additional resolution by the Speaker.

Carried.

The resolution was then adopted.

Yeas 57, nays 30.

Ayes—Messrs. Speaker, Aldridge, Bell, Bibb, Bowden, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Carter, Clapp, Clifton, Clitherall, Cooper, Cowan, Davis, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Jack, Lane, Latham, Lowe, McMurry, Meadows, Musgrove, Overall, Parsons, Seay, Shepard, Sherrod, Smith of Coosa, Starke, Tate of Macon, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield.

Nays—Messrs. Adams, Bowen, Bush, Calhoun, Chambers, Clayton, Cunningham, Fielder, Flake, Gilchrist, Goldsmith, Griffin of Jackson, Herman, Hobbs, Hubbard, Irby, Jones, Knox, Lloyd, Mabry, Martin, Neal, Oats, Rice, Seale, Slater, Smith of Lauderdale, Taylor, Thomas, Wright, Woods.

The question then was on the adoption of the first resolution, offered by Mr. Speaker.

Adopted.

Yeas 87, nays 1.

Ayes—Messrs. Speaker, Adams, Aldridge, Barlow, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Seale, Shepard, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thorn-

ton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.

Nay—Mr. Hobbs.

The following bills, by leave, were introduced :

Mr. Woods: to incorporate the Southern fire-arms company : read first and second times under a suspension of the constitutional rule, and referred to committee on corporations ;

Mr. Hearin, of Clarke: to authorize the issuance of a patent to Eli S. Thornton for 16th section lands, in Choctaw county ; read first, second, and third times, under a suspension of the constitutional rule, and passed ;

Mr. Lowe: to prevent the sale of spirituous liquors within three miles of the town of Triared, Madison county, which was read first and second times under a suspension of the constitutional rule, and referred to the delegation from Montgomery and Madison.

Mr. Cunningham: to amend section 977 of the Code ; read first and second times and referred to the judiciary ;

Mr. Davis: to level the Tennessee river in a part of Limestone county, and for other purposes ; which was read first and second times under a suspension of the constitutional rule, and rererred to the judiciary ;

Mr. Wright: to repeal an act therein named, so far as it relates to Calhoun county ; which was read the first and second times, and referred to the committee on propositions and grievances ;

Mr. Smith of Lauderdale, from the committee on banks and banking reported back to the House the Senate bill, to amend the charter of the Wetumpka Insurance company, and asked that it be referred to the committee on corporations.

Granted.

Half-past 1 o'clock arrived and the House stood adjourned until 10 o'clock to-morrow.

SATURDAY, Feb. 4, 1860.

House met pursuant to adjournment.

The journal of Wednesday, Thursday and Friday was read and approved.

Leave of absence was granted to Messrs. Dark, Cary and Meadows.

Mr. Brown, of Marion, moved to take up the bill for the relief of Isaac Franks and Teresa Franks.

Mr. Walker moved to amend the motion, so as to allow him to make one report. The motions were severally past and carried.

Mr. Walker from the judiciary committee, reported a substitute for sundry bills in regard to free negroes in this State, with the title to relieve free negroes.

Mr. Clitherall moved to amend as follows: Provided, that on the death of the master or mistress so chosen by any free person of color under the provisions of this act, the said person of color shall be at liberty to chose another master or mistress in the same manner, and if such person of color shall fail for twelve months after the death of his said master or mistress, to choose another master or mistress, he shall be held as assets in the hands of the personal representative of the decedent as though he had been a slave for life.

Mr. Lowe moved to lay bill and amendment on the table and print five hundred copies. The question was first taken on laying bill on table.

Carried.

Question then was on printing five hundred copies.

Lost.

One hundred and thirty-three copies was ordered to be printed by the House.

The House proceeded to consider the bill for the relief of Isaac Franks and Teresa Franks.

Mr. Clitherall moved to lay the bill and amendment on the table.

Lost.

Mr. Chambers moved the previous question.

Carried.

The bill was then read the third time and passed.

Yeas 46, nays 25:

Ayes—Messrs. Adams, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Calhoun, Carter, Clapp, Clifton, Davis, Easley, Ferrell, Fielder, Flake, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hightower, Holley of Covington, Holley of Tallapoosa, Jack, Jones, Knox, Lane, Latham, McMurry, Musgrove, Neal, Oates, Overall, Parsons, Ramsey, Rice, Seay, Seale, Smith of Coosa, Tate of Macon, Thomas, Walden of Morgan, White, Whitfield, Woods.—46.

Nays—Messrs. Speaker, Abney, Aldridge, Bowen, Bryan, Chambers, Clayton, Clitherall, Cunningham, Fountain, Gilchrist, Hardwick, Hubbard, Hudgins, Humphries, Irby, Lloyd, Mabry, Martin, Scott, Shepard, Smith of Lauderdale, Thornton, Warren.—25.

Message from the Governor by Mr. Phelan.

Mr. Speaker: His Excellency the Governor has approved

bills which originated in the House of Representatives of the following titles:

An act for the relief of Willam A. Bishop, of Tuscaloosa county;

An act for the releif of Cherry Keyes;

An act to authorize the State Treasurer to purchase a fire-proof safe;

An act for the relief of the creditors and distributees of Geo. W. Cole, deceased;

An act to change the place of holding the chancery court for the county of Coosa;

An act for the relief of the heirs at law of Willam Haun, deceased, late of Tuscaloosa county;

An act to amend the charter of the Marion and Cahaba railroad company;

An act to incorporate the Alabama Presbytery of the Cumberland Prestyterian church;

An act to revive and amend the act incorporating the Broad Street Hotel company of Selma.

WATKINS PHELAN.

Mr. Speaker laid before the House sundry records of divorce, which were referred to the committee on divorce and alimony.

Message from the Senate by Mr. Roberts:

Mr. Speaker: The Senate has originated and passed the following bill:

To provide for an efficient military organization of the State of Alabama.

M. TAUL, Secretary.

#### COMMITTEE ON INTERNAL IMPROVEMENTS.

Mr. Whitfield from the committee on internal improvements, reported amendments to the following bills, which were adopted and read the third time forthwith and passed:

Senate bill to amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and the privilege of constructing a bridge across Tennessee river in said county, approved January 21st, 1850;

House bills to incorporate the Montgomery and Selma railroad company;

To amend and revise the charter of the Western railroad company;

To amend the charter of the North-East and South-West Alabama railroad company ;

Also, reported an amendment to the bill to re-invest a portion of the two per cent. fund.

Adopted.

Mr. Shepard moved to amend as follows :

*And be it further enacted*, That should the Alabama and Mississippi railroad company fail to raise the \$150,000 herein provided for within the time specified, then the sum herein loaned to said Alabama and Mississippi rivers railroad company is hereby loaned to the Western railroad company of Alabama, upon the same terms and conditions, and for the same length of time it was originally loaned to the Montgomery and West Point railroad company: Provided further, that the said Western railroad company of Alabama, shall raise by actual *bona fide* subscriptions the sum of \$150,000 by the 1st day of October next, and bind itself faithfully to use the sum herein loaned, and the \$150,000 raised by private subscription to build a railroad connecting the cities of Montgomery and Selma.

Adopted.

Mr. Whitfield from same committee, reported favorably to the Senate bills to amend the charter of the Selma and Gulf railroad company ;

To authorize the Georgia Western railroad company to construct their railroad from the Georgia line through the county of Calhoun to the town of Oxford or Jacksonville on the Alabama and Tennessee rivers railroad ;

To authorize the Savannah, Griffin and North Alabama railroad company to extend their railroad from the Alabama line to some point on the Alabama and Tennessee rivers railroad, &c. ;

And House bill to authorize railroad companies to extend mortgages, deeds of trust and other securities, &c., were severally read the third time and passed.

Mr. Hubbard, from the committee on federal relations, to which was referred the proceedings of a meeting in Greenville held by land holders, report that a joint memorial on the same subject from the Senate has passed, and that this be laid on the table.

Mr. Hudgins, from same committee, reported adversely to the resolution to secure if possible all the opposition to the Black Republicans, to defeat the same in the election of a speaker, which report and resolution on motion of Mr. Chambers, was laid on the table.

Mr. Hobbs, from committee on education, to whom was referred joint resolutions in regard to the new seal of the State,

reported favorably thereto, which on motion of Mr. Chambers, was recommitted to a select committee of three, to-wit: Messrs. Chambers, Whitfield and Irby.

Message from the Senate by Mr. Taul.

SENATE, Feb. 4, 1860.

Mr. Speaker: The Senate has originated and passed a bill of the following title:

To authorize the city of Tuscaloosa to subscribe to the capital stock of the North-East and South-West Alabama railroad company.

M. TAUL, Secretary Senate.

#### BANKS AND BANKING.

Mr. Smith, of Lauderdale, reported adversely to the bill to amend the charter of the Eastern bank of Alabama.

Mr. Rice moved to lay the report on the table.

Carried.

Mr. Rice moved to amend as follows:

*Be it further enacted*, That any bank constitutionally chartered by the laws of this State, may issue bills or notes of denominations less than five dollars, but not less than one dollar. *Provided however*, That this act or any part thereof may be repealed by any further General Assembly of this State.

Adopted.

The bill was read the third time and passed.

Mr. Clayton from the committee on federal relations, made the following report, which was concurred in:

The committee on federal relations to whom the accompanying memorial was referred, have had the same under consideration, and instructed me to report the same back to the House, and ask that 5000 copies of the same be printed in pamphlet form for the use of the House, and that the committee have leave to report further by bill or otherwise, upon the subject of the memorial.

H. D. CLAYTON, Chairman.

Mr. Smith of Lauderdale, from committee on banks and banking, reported favorably on the bill to amend the Free Banking Law.

Which, on motion of Mr. Rice, was postponed until Wednesday next.

Mr. Clitherall from same committee, reported an amendment to sundry bills, which, on motion, were placed in the same con-

dition of the bill to incorporate the Troy, Pike county, Insurance Company.

Mr. Clitherall reported adversely to bills:

To amend the charter of the Eastern Bank of Alabama.

And Senate bill:

To repeal in part an act to legalize the suspension of specie payments by the Central and Commercial Banks of Alabama.

Which were laid on the table.

Mr. Clifton from same committee, reported an amendment to the bill to charter the Planter's and Merchant's Insurance Company in Selma.

On motion of Mr. Mabry, the first proviso was stricken out and the amendment of the committee was then adopted.

Bill read third time and passed.

The hour of half-past one o'clock arrived and the House stood adjourned.

#### AFTERNOON SESSION, Feb. 4, 1860.

House met pursuant to rule.

Mr. Holley from committee on ways and means, reported favorably to the bill for the relief of John Lamberth, tax collector of Tallapoosa county.

Which was read the third time forthwith and passed.

#### REPORTS FROM COMMITTEE ON LOCAL LEGISLATION.

The following bills were reported by Mr. Clitherall, with amendments, which were adopted, read the third time forthwith and passed:

To incorporate the Fair Mount Baptist Church in Covington county;

For the protection of game in the county of Shelby;

To authorize Dennis Springer to construct a turnpike across Sefroig river.

Mr. Clitherall from same committee, reported substitutes for the following bills, which were adopted, and read the third time forthwith and passed.

To secure subordination among slaves in the county of Shelby, by requiring the owners, overseers, or white agents, to reside with them;

To prohibit the sale of intoxicating liquors within three miles from Robinson's Springs, and for other purposes;

To establish the Coosa county Medical Board.

The following Senate and House bills were reported favor-

ably on by Mr. Clitherall from same committee, which were read the third time forthwith and passed :

To establish a Medical Board in Cherokee county ;

Amending the Road Laws of Coosa county ;

To regulate sheriff's and coroner's sales in the county of Shelby ;

To prevent the sale of spiritous liquors within one mile of Elliottsville in Shelby county ;

To prohibit the sale of spiritous or intoxicating liquors within one mile of Perryville Academy in Perry county ;

To settle the term of office of the county treasurer of Marshall county ;

To incorporate the Opelika Male Academy ;

To amend the charter of the East Alabama Male College at Auburn ;

To incorporate the Tuscaloosa Female College ;

To amend the charter of the City of Montgomery.

Mr. Clitherall from same committee reported favorably for Senate bill to establish a Board of Botanic Physicians in the county of Blount.

Mr. Aldridge moved to amend :

Add P. M. Musgrove and Dr. Mattox in sixth line.

Adopted.

Bill read third time forthwith and passed.

Mr. Overall from same committee, reported favorably on the bill to regulate and define the duties and liabilities of railroad companies in this State, approved Feb. 3, 1858, and to revive an act entitled an act to define and regulate the liability of railroad companies, approved Feb. 10, 1852.

Which was read the third time forthwith and passed.

Mr. Overall reported a substitute to the bill in relation to hunting wild hogs, which was amended by adding Coosa, Russell, Randolph, Tallapoosa, Covington, Tuscaloosa, Monroe and Marshall.

Adopted.

Read third time forthwith and passed.

Mr. Shepard reported favorably on House bills :

To repeal in part an act therein named so far as it relates to Marshall county ;

To repeal an act therein named in reference to operations in Walker county ;

Senate bill to give commissioners' court of Perry county authority to relieve L. Y. Tarrant, which were severally read the third time forthwith and passed.



Mr. Clitherall reported a substitute for the bill for the protection of meeting houses and school houses in this State.

Mr. Walker moved to lay the substitute on the table.

Carried.

Mr. Herman moved to lay the bill on the table.

Carried.

#### REPORT OF JOINT SELECT COMMITTEE ON THE MILITARY.

The committee of the Senate and House of Representatives, raised under joint resolution of the two Houses, instructing them, among other things to inquire into the expediency of establishing a State Military Academy, and report the probable cost, have given the subject their deliberate and careful consideration, and ask to submit the following report, and recommend the passage of the accompanying bill:

Your committee have had before them two propositions for the establishment of military academies, at different locations.

It was proposed to make an absolute donation to the State, of the grounds and buildings of the LaGrange military academy, in Franklin county, on condition only "that the State adopt the institution as a State Military Academy, and place the same under its patronage by an organization similar to that of the State Military Academy of South Carolina, and release the trustees from all responsibility of a debt of ten thousand dollars due the 16th section fund by the institution;" subsequently, however, a patriotic gentleman urging the acceptance of the proposition before the committee withdrew the last condition as to the ten thousand dollars, and proposed that the donation should be wholly without any pecuniary stipulation whatever.

It was represented to the committee that grounds proposed to be transferred to the State, consists of forty acres, on which the academy buildings are situated. The buildings embrace two large three-storied brick buildings, containing comfortable and convenient quarters for one hundred and twenty cadets, with all necessary recitation rooms, one new two-storied brick building, containing a spacious chapel, two society halls, superintendent and commandants office, a college library and an academy arsenal. There are also three framed buildings, embracing a stewards house, and a commissar's department. The apparatus comprises all the chemical and philosophical apparatus necessary to a well appointed institution. The libraries contain four thousand books in good order.

The institution is located in the county of Franklin, four miles from the Memphis and Charleston railroad, on a spur of the

Cumberland mountain, four hundred feet above the Tennessee Valley, thereby securing a pure and invigorating atmosphere.

It was also proposed to make a like donation to the State of the Glennville military academy, in Barbour county, upon a like condition, that is to say, upon condition only that the State will receive it without any cost whatever to the State, and place it under the control and patronage of the State.

It was represented to the committee that the academy consisted of a large two-story wooden building, embracing sufficient recitation and other rooms for two hundred cadets, with ample grounds and convenient to boarding houses. The location is on a high, healthy, sandy ridge, conveniently near to the Mobile and Girard railroad, and soon to be rendered more accessible to the interior of the State by the completion of the Montgomery and Union Springs railroad.

The village of Glennville, in or near which the academy is situated, is unsurpassed by any village or town in the State, in the public spirit, refinement and intelligence of its citizens. Thus, whilst on one hand the cadets are not subject to the vice and immorality usually attending such locations, they will always be in reach of cultivated and elegant society.

The present session of the institute opened but a few days ago, and seventy pupils have already entered, whilst the number is being increased almost daily.

The buildings, grounds and everything connected therewith, are estimated to be worth about \$15,000, in addition to which by the will of the late lamented Hon. Milton A. Browder, there is a donation fund attached of not less than \$40,000, and it is thought, should there be realized from his estate the amount it is now by the appraisment thought to be worth, it will be increased to probably \$100,000.

These liberal and indeed munificent propositions—doing credit alike to the patriotic hearts which prompted no less than to the intelligent heads which planned and directed them—were both respectfully considered by the committee. It was thought best by your committee to recommend the adoption of neither of said schools at this time as “the State military academy,” but to leave both propositions open with the consent of those submitting them, until the next session of the General Assembly, and in the meanwhile adopt the accompanying bill.

It will be observed that by the 8th section of the bill, a board of visitors is provided for, whose duty it will be to visit both the above named institutions as often as they may deem necessary, collect information in respect to them and report to next session of the General Assembly. Your committee believe that

the plan proposed will, during the next two years, excite a spirit of honorable rivalry between the two schools; open the door to a commendable emulation—elicit information for the public—create a general interest in the subject throughout the State, and afford ample opportunity for the maturity of a plan for the permanent establishment of a State military academy which would, in itself, do honor to the State, whilst the scores of her gallant sons which such an institution would send forth, each succeeding year, to the various counties, with strong arms and brave hearts, may yet prove to be her surest reliance in the time of real danger, bound to the soil, as they would be by a double tie, *her* destiny would be *their* destiny.

WM. P. CHILTON, Chairman Senate Com.

H. D. CLAYTON, Chairman House Com.

The bill to provide for the military education of two young men from each county in this State, was read, the constitutional rule suspended, read second time, laid on the table and 133 copies ordered to be printed in pamphlet form.

#### REPORTS FROM COMMITTEE ON CORPORATIONS.

Mr. Hale reported favorably to the following House bills;

To amend an act to charter the Alabama insurance company, approved 8th February 1858;

For the incorporation of 6 mile, in Bibb county;

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named;

To define the liability of the Mobile and Girard railroad company;

To amend an act incorporating the male and female academies at Glennville, Barbour county;

To incorporate the Huntsville gas company;

To amend an act to incorporate the town of Huntsville;

To amend the charter of the city of Selma;

To amend the charter of the Shelby lime company;

To incorporate the town of Perote, in Pike county;

To incorporate the Perote male and female high school;

To incorporate New China Grove, in the county of Pike;

To incorporate Melborne academy, in Russell county;

To renew and amend the charter of the Merchants' insurance company of the city of Mobile;

To incorporate the town of Pikeville, in Marion county;

Also to Senate bills to amend and revive an act incorporating the town of Opelika, approved 9th Feb., 1854;

To amend an act entitled an act to incorporate the city of Eufaula;

To amend the charter of LaGrange college;

To amend the charter of the North Alabama telegraph company;

To incorporate the Centerville male and female academy, in Coffee county;

Which bills were severally read the third time forthwith, and passed.

Mr. Hale reported amendments to House bills:

To incorporate the Lauderdale manufacturing company;

To incorporate the Livingston insurance company;

To define the corporation limits of the city of Selma;

Also to Senate bills to incorporate the Alabama Baptist State Convention;

To incorporate the town of Montevallo;

Relating to incorporated companies, which amendments were severally adopted, and which bills were severally read the third time and passed.

Mr. Hale reported an amendment to the Senate bill.

To incorporate the Troy Insurance Company in Pike county.

Which amendment was adopted and the bill ordered to take its place upon the calendar of special orders in the same position of House bill of above title.

Mr. Woods moved to re-consider the vote by which the bill to re-invest a portion of the two per cent. fund was passed, and by which the bill was ordered to a third reading, and to postpone the consideration of the motion until Tuesday next.

Mr. Shepard moved to re-consider the vote now, and to lay that motion on the table.

Mr. Rice moved to postpone the motion made by Mr. Shepard until Tuesday next.

Mr. Clitherall in the chair, decided the motion of Mr. Rice to be out of order, as the motion of Mr. Shepard was a privileged one, and that it was not in order to pile one motion on top of another.

From which decision Mr. Rice appealed, and the question being: Shall the decision of the Chair stand as the judgment of the House?

Yeas 22, nays 26.

Yeas—Messrs. Abney, Bell, Brown of Tuscaloosa, Chambers, Clapp, Clifton, Cowan, Davis, Hale, Hardwick, Herren of Tallapoosa, Jones, Lloyd, Mabry, Neal, Overall, Ramsey, Scott, Shepard, Smith of Coosa, Thornton, Walden of Morgan.—22.

Nays—Messrs. Aldridge, Bibb, Bradley, Brown of Marion,

Burgess, Bush, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Herman, Holley of Covington, Hubbard, Oats, Parsons, Rice, Seale, Sherrod, Thomas, Warren, White, Wright, Woods.—26.

Mr. Brown of Tuscaloosa gave notice of a motion to re-consider the vote by which the bill to prevent non residents from hunting in Shelby and Winston counties had passed.

The hour of 5 o'clock arrived and the House stood adjourned until 10 o'clock on Monday.

MONDAY, Feb. 6, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Hubbard desired to call the attention of the House to a report from the committee on federal relations, made by Mr. Hudgins on Saturday last, so as to have the report amended.

Mr. Clitherall moved to re-consider the vote by which the report from the committee on federal relations was laid on the table.

Carried.

Leave was granted by the House to the committee to amend the report.

Mr. Hudgins from committee on federal relations, reported that they deem it inexpedient and unnecessary to adopt the resolution recommending all the opposition to Black Republicanism to unite in the election of a Speaker of the House of Congress in the United States, and ask to be discharged from the further consideration of the same.

Concurred in.

Mr. Hobbs moved to re-consider the vote by which the bill in relation to incorporated companies was passed on Saturday last and ordered to a third reading.

Carried.

Also moved to postpone the bill until Friday next at 12 o'clock.

Carried.

On motion of Mr. Hobbs, the rule offered by Mr. Mabry several days since was taken up.

Yeas 74, nays 6.

Ayes—Messrs. Abney, Aldridge, Bell, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davis, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Cov-

ington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Irby, Jack, Jones, Knox, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Parsons, Ramsey, Scott, Seay, Shepard, Sherrod, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods, Wright.—74.

Nays—Messrs. Speaker, Bowen, Bowdon, Overall, Rice, Seale.—6.

Mr. Aldridge moved to amend by striking out “week” and inserting “day.”

Adopted.

Mr. Oats moved to amend as follows :

That this House shall meet at 8 o'clock P. M. on Mondays, Wednesdays and Fridays, for the purpose of hearing reports from committees.

Mr. Walker offered the following as a substitute for the original resolution :

That after this day the House will meet daily at 10 o'clock A. M. and adjourn at 4 P. M.

Mr. Sherrod called the previous question.

Sustained.

The resolution was then adopted.

On motion of Mr. Clitherall, the vote by which the House passed the bill amending the Road Laws in Coosa county on Saturday, was re-considered and laid on the table.

Mr. Clitherall gave notice of a motion to re-consider the vote by which 5000 copies of a certain memorial was ordered to be printed.

On motion of Mr. Hale, the vote by which the bill to repeal in part an act to regulate and define the duties and liabilities of Railroad Companies in this State, approved Feb. 6, 1858, and to revive an act entitled an act to define and regulate the liability of Railroad Companies, approved Feb. 10, 1852, was passed and ordered to a third reading, was re-considered.

Mr. Walker moved to amend the bill as follows :

An act to amend the 3d section of an act entitled an act to regulate and define the duties and liabilities of Railroad Companies in this State, approved Feb. 6, 1858. *Whereas*, doubts have arisen as to the construction of the 3d section of said act in connection with an act entitled an act to define and regulate the liability of Railroad Companies, approved Feb. 10, 1852.

*Therefore be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any live stock, cattle of any description, shall be

killed or injured by the locomotives or cars of any railroad in this State, to exempt the railroad company owning such railroad, from liability to the owner or owners, for the value thereof, if killed, or damages thereto if injured; the burden of proof shall be on such railroad company, to prove that such company and their employees used all due and proper diligence to prevent such killing or damages.

Mr. Davis moved to postpone the consideration of the bill before the House, to take up the bill to loan and appropriate the three per cent. fund and its interest.

Yeas 38, nays 34.

Carried.

Yeas—Messrs. Abney, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Clapp, Clifton, Cooper, Cunningham, Davis, Easley, Forney, Forsyth, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, Musgrove, Rice, Seale, Sherrod, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright.—38.

Nays—Messrs. Bell, Bowen, Bradley, Calhoun, Fielder, Fountain, Goldsmith, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Jack, Jones, Lane, Latham, Lowe, McMurry, Neal, Overall, Parsons, Ramsey, Scott, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Warren.—34.

Question being upon the indefinite postponement of the bill and amendment.

Which motion Mr. Rice withdrew to allow Mr. Lowe to offer the following amendment :

1st. Amend by striking out the words six hundred and sixty three thousand one hundred and thirty-five dollars, where they occur in the 8th section, and insert in lieu thereof, five hundred and sixty-three thousand one hundred and thirty-five dollars.

2nd. Amend by additional section.

*Be it further enacted* That the Winchester and Alabama railroad, after the lapse of five years from the passage of this act, be entitled to claim and shall receive as a bonus the sum of one hundred thousand dollars of the three per cent. fund subject to all the qualifications, restrictions and limitations under which the Alabama Central railroad company. The five hundred and sixty-three thousand one hundred and thirty-five dollars mentioned in the 8th section of this act; *Provided*, That the said sum of one hundred thousand dollars shall be used only on that portion of the road lying between Gunter's landing and Fort De-

posit, and in constructing the bridge across the Tennessee river.

When Mr. Lowe renewed the motion to indefinitely postpone the bill and amendment.

Message from the Governor.

Mr. Speaker: His Excellency the Governor has approved bills which originated in the House of Representatives of the following titles:

An act to repeal an act therein named so far as relates to Coosa county;

An act to authorize the corporate authorities of the city of Mobile to grant the privilege of constructing railroads within the corporate limits of said city;

An act to allow Samuel Corsbie and J. J. Bailey to erect fish traps on Big Bear Creek, in the county of Franklin;

An act to make the clerk of the city court of Mobile elective by the people;

An act to authorize Wm. H. Nevill of Sumter county to erect gates across a certain public road;

An act to authorize John G. Ward of the county of Dale to erect gates across a certain public road therein named;

An act to regulate the pay of grand and petit jurors in certain counties, the pay of jurors in the probate courts of the State, and to provide for the prompt payment of such jurors;

An act to prohibit the sale of intoxicating liquors within certain limits in Limestone county.

I herewith return to the House of Representatives in which it originated, without the approval of the Governor, and with his objections thereto.

"A bill to be entitled an act to authorize Uriah Dunn of Pike county, to make a final settlement with his ward, J. J. Bradshaw."

WATKINS PHELAN, Private Secretary.

When on motion of Mr. Irby, the House adjourned until 10 o'clock to-morrow.

Mr. Parsons entitled to the floor on the three per cent bill.

TUESDAY, 7th Feb., 1860.

House met pursuant to adjournment.

The reading of the journal dispensed with.

The veto message of the Governor in regard to the bill to authorize Uriah Dunn of Pike county to make a final settlement with his ward, J. J. Bradshaw.



The message was read and is as follows :

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 6, 1860.

*Gentlemen of the House of Representatives :*

"A bill to be entitled an act to authorize Uriah Dunn of Pike county to make a final settlement with his ward, J. J. Bradshaw," is hereby returned to the House of Representatives, in which it originated, without my approval.

It appears upon the face of the bill, that its object is to enable a guardian to settle with his ward, who is a minor.

My reasons for declining to approve the bill are: First, because it is against public policy. Second, because it violates an old, wise and universal rule of law which declares that no person shall be deemed capable of contracting or of being contracted with, until he shall have arrived at the age of twenty-one years. Third, because it is a species of local and partial legislation that is wrong in itself, and dangerous in its tendencies; and fourth, as a general rule its restless and reckless, young men who are unwilling to abide by rules of law that are common to all, who ask for such legislation.

It will be found, in most cases, where relief of this kind is sought, it is by indiscreet young men who have unwisely involved themselves in debt, or in matrimonial obligations, thereby showing their incapacity to manage their property with ordinary skill and prudence.

It is the duty of the legislative, judicial and executive departments of the government to guard with care the interest of minors, and not to open a door by which they may squander their estates in the indulgence of youthful follies and extravagance. The author of the bill has informed me that he was mistaken as to the facts of this case, and is now satisfied that it ought not to become a law.

For the reasons, thus briefly assigned, I return the bill without my approval.

A. B. MOORE.

The question being shall the bill pass notwithstanding the veto of the Governor.

Yea 1, nays 81.

Yea—Mr. Abney.—1.

Nays—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, David-

son, Davis, Easley, Ferrell, Fielder, Flake, Forney, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Jack, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Seale, Shepard, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright—81.

Leave of absence was granted to Mr. Forsyth.

Mr. Calhoun, by leave, introduced bills to regulate the sale of spirituous liquors in and near the town of Villula;

Also to authorize the issue of letters testamentary without bond, in a certain case therein named; were severally read first second and third times, and passed under a suspension of the constitutional rule.

Mr. Clitherall moved to refer the last named bill to the judiciary committee.

Lost.

Mr. Clitherall called yeas and nays on passage of bill.

Yeas 63, nays 18.

Yeas—Messrs. Speaker, Adams, Bell, Bibb, Bowen, Bowden, Brooks, Brown of M. Brown of T. Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Cowan, Davidson, Easley, Ferrell, Flake, Forney, Gibson, Goldsmith, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Irby, Jones, Knox, Lane, Latham, Lowe, Mabry, McMurry, Meadows, Musgrove, Oats, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Sherrod, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Walden of Morgan, White, Wright, Woods.—63.

Nays—Messrs. Abney, Aldridge, Bradley, Clitherall, Coleman, Cooper, Cunningham, Fountain, Hale, Hobbs, Hubbard, Jack, Lloyd, Overall, Thornton, Walker, Warren, Whitfield.—18.

Mr. Brown of Tuscaloosa, moved to reconsider the vote by which the House on Saturday, passed the bill for the protection of game in Shelby county and Winston county.

Carried.

The bill was then laid on the table.

Mr. Starke introduced a bill to give the judge of probate of Pike county, jurisdiction of the estate of W. B. Kyle, late of Montgomery county.

Mr. Lowe introduced a bill regulating tolls on the Monte Sano

turnpike company, which bills were severally read the first second and third times under a suspension of the constitutional rule and passed.

Mr. Irby moved to suspend the business before the House to allow members to introduce bills.

Lost.

Mr. Walker, by leave, reported a substitute from the judiciary committee for the Senate bill to provide for the preparatory of a revised code of the statute laws of the State of Alabama of a general and public nature, which was adopted, read the third time forthwith and passed.

Mr. Rice withdrew his motion to postpone to lay the motion of Mr. Shepard on the table.

When Mr. Shepard withdrew the motion to lay the motion to reconsider on the table.

Mr. Starke moved to lay the motion to re-consider on the table.

Carried.

Yeas 56, nays 21.

Yeas—Messrs. Speaker, Abney, Aldridge, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Davidson, Davis, Easley, Fielder, Forney, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Latham, Lowe, Martin, McMurry, Musgrove, Oats, Overall, Parsons, Ramsey, Seay, Shepard, Sherrod, Smith of Coosa, Starke, Tait of Wilcox, Thornton, Walden of Morgan, Walker, Warren, White, Whitfield, Wright.

Nays—Messrs. Adams, Calhoun, Clayton, Cunningham, Ferrell, Goldsmith, Herren of Tallapoosa, Hightower, Humphries, Jones, Knox, Lane, Lloyd, Mabry, Meadows, Rice, Slater, Smith of Lauderdale, Taylor, Thomas, Woods.

Message from the Senate by Mr. Roberts.

*Mr. Speaker:* The Senate has passed house bills with the following titles :

Joint resolutions accepting the lands donated by Congress to the Elyton and Beard's Bluff railroad company ;

To appoint commissioners to examine and report the condition of the public offices in Marion county ;

To incorporate the Indian Creek male and female academy, in Pike county ;

For the relief of Thomas M. Hill and others, of Sumter county ;

For the relief of Herbert C. Childress and others;

For the relief of Mary A. Hanvinack;

To authorize the completion of the final records of the circuit court of the county of Marengo;

To amend the laws relative to the Mobile savings company;

To incorporate the hook and ladder company in the city of Eufaula;

In relation to the fees of justices and constables in beats 4 and 5 in the city of Montgomery;

To incorporate Spring Hill male and female academy, in Pike county;

To incorporate the Plantsville Institute, in Talladega county;

To regulate the time of holding the chancery courts in the county of Barbour;

To establish a certain ferry therein named in the county of Washington;

To amend the charter of the Montgomery Gas Light Company;

To compensate bailiffs for Walker county;

For the relief of Sarah Tindels and other persons therein named;

To allow the commissioners' court of roads and revenue, of the county of Perry, to build a bridge across Cahaba river in said county;

To incorporate the Clayton female college, in Barbour county;

To repeal an act therein named in reference to apportioners in Walker county.

Also amended and passed the bill:

To authorize the court of county commissioners of the county of Franklin to make appropriations for the relief of certain persons therein named.

Has originated and passed the bill with the following title:

To increase the pay of jurors in the county of Montgomery;

And refuses to concur in the amendment made by the house to the bill:

To incorporate the Alabama Baptist State Convention.

And concurs in the amendments made to the Senate bills:

To incorporate the town of Montevallo;

An act amendatory to an act to protect the citizens of Mobile and Baldwin counties in the enjoyment of their oyster beds, approved Feb'y 2d, 1858;

To amend an act granting the right of way to the Nashville and Chattanooga railroad company through Jackson county, and

the privilege of constructing a bridge across Tennessee river in said county, approved January 21st, 1850;

To authorize the commissioners of Mobile county to elect an inspector of sawed lumber, square timber, etc., for said county;

To amend the charter of the Eastern Bank of Alabama;

For the more effectual protection of the estates of intemperate persons.

Has amended and passed the house bill to authorize Lewis Wetherspoon, a free negro, to become a slave; and for other purposes.

The Senate has originated and passed a bill of the following title:

To fix the times of holding the circuit courts for the 7th judicial circuit.

M. TAUL, Secretary.

Mr. Forney moved to suspend the business before the house to consider the bill to loan and appropriate the three per cent. fund and its interest.

Yeas 40, nays 42.

Ayes—Messrs. Abney, Adams, Aldridge, Bowden, Brooks, Brown of Marion, Bush, Chambers, Clapp, Cooper, Cowan, Cunningham, Davis, Easley, Forney, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hobbs, Hubbard, Hudgins, Knox, Lane, Lloyd, Mabry, Martin, Rice, Shepard, Slater, Starke, Tate of Macon, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Bell, Bibb, Bradley, Calhoun, Carter, Clayton, Clifton, Clitherall, Coleman, Ferrell, Fielder, Fountain, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Jack, Jones, Latham, Lowe, McMurry, Meadows, Musgrove, Oats, Overall, Parsons, Ramsey, Seay, Sherrod, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Warren.

House bill to re-organize and fix the times of holding the courts of chancery, amended by the Senate, on motion of Mr. Hale the house refuses to concur in the Senate amendment, and asked for a committee of conference to consider of the entire matter of the bill and amendment.

Senate bill to prevent the game of Keno and other games, amended by the house, in which the senate refuses to concur.

Mr. Clitherall moved to recede from the second amendment.

Mr. Wright moved to lay the motion on the table.

Lost.

The house then receded from the second amendment, and refused to recede from, and insists on the first amendment.

Senate bill:

To exempt certain property from levy and sale, house recedes from its first amendment.

House bill:

For the relief of Reese Price, late of Marengo county; house concurs in the Senate amendment to said bill.

Senate bills:

To increase the pay of jurors in the counties of Montgomery and Pickens;

To authorize the city of Tuscaloosa to subscribe to the capital stock of the North east and South-west Alabama railroad company;

For the relief of John J. Woodward, and to appoint solicitors;

To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named;

For the relief of the tax collector of Henry county;

To authorize J. W. Wilson, Elisha King, and John W. Weson, to erect dams across Big Will's Creek;

To repeal and amend the road laws, so far as they are applicable, to certain townships east of the Tombigbee river;

To amend the charter of the town of Cahaba;

To amend the charter of the town of Rogersville, in Lauderdale county;

Were severally read the first, second and third times and passed under a suspension of the constitutional rule.

Senate bills:

To incorporate the Western railroad company of the State of Alabama;

To incorporate the Columbus and Florence railroad company;

Were read the first and second times under a suspension of the constitutional rule, and referred to committee on internal improvements;

The Senate bill for the relief of Martha Adams, of Perry county, and Olivia Brown, of Mobile county, was read the first and second times.

Mr. Overall moved to amend by adding the name of Richard T. Starr.

Adopted.

Mr. Clisherall moved to amend by adding the name of Green Benj. W. Mitchell, of Fayette.

Mr. Clitherall moved to amend by adding the name of Absalom B. Island, of Russell.

Mr. Gibson moved to amend by adding the name of Jno. P. Lipscomb, of Blount.

Mr. Clitherall moved to amend as follows:

And all other persons against whom divorces have been granted.

Mr. Clayton moved to lay the amendment last offered by Mr. Clitherall on the table.

Mr. Clitherall moved to lay the bill on the table.

Question first was on laying the amendment on the table.

Lost.

The question then was on laying the bill on the table and the motion prevailed.

The Senate bill to authorize the issuance of executions from the chancery courts in certain cases, was read the first and second time and referred to the committee on the judiciary.

Senate bill to fix the times of holding the circuit courts for the seventh judicial circuit was read the first and second time under a suspension of the constitutional rule, and referred to a select committee of Messrs. Fielder, Lesueur, Ramsey, Hale and Clitherall.

House bill to authorize the court of county commissioners, of the counties of Franklin and Coosa, amended by the Senate, which amendment was concurred in by the House.

Senate bill to incorporate the Alabama Baptist State Convention, the House insists upon its amendment and asks for a committee of conference.

House bill to authorize Lewis Witherspoon and Cora, to become slaves, caption amended by the Senate and concurred in by the House.

Senate bill to provide for an efficient military organization of the State of Alabama, which bill was read the first and second times under a suspension of the constitutional rule.

Mr. Walker moved to amend as follows:

That the Governor be, and he is hereby authorized and required, to present a flag with appropriate devices and mottoes, as a flag for the State, to be used by the divisions, brigades, battallions, regiments and companies, to be organized under this act.

Mr. Hale offered as an amendment, the printed bill, which was laid on the table, 31st January, 1860.

Mr. Brown, of Marion, moved to amend by striking out the 26th section of the bill.

Mr. Hale then moved the indefinite postponement of the bill and amendments.

At twenty minutes after 1 o'clock, Mr. Forney moved to adjourn.

Yeas 62, nays 19.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bowdon, Bradley, Brooks, Brown, of Tuscaloosa, Burgess, Calhoun, Clapp, Clayton, Clifton, Clitherall, Cowan, Cunningham, Davidson, Easley, Ferrell, Fielder, Forney, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Jack, Jones, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Musgrove, Parsons, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Thomas, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—62.

Nays—Brown of Marion, Bush, Chambers, Coleman, Cooper, Fountain, Gibson, Hardwick, Hightower, Huckabee, Meadows, Oates, Overall, Ramsey, Seay, Starke, Taylor, Thornton, Wright.—19.

Mr. Clayton entitled to the floor.

#### TUESDAY AFTERNOON SESSION.

Mr. Cooper moved to suspend the rules of the House to continue the discussion of the military bill.

Mr. Irby, from committee on ways and means, to whom was referred a resolution of instruction to enquire into the expediency of the State selling her reserved stock in the several banks of this State, report that a bill has been introduced upon the subject and asked to be discharged.

Mr. Irby, from same committee, to whom was referred the bill to authorize the qualified voters of each county to elect a tax assessor, reported adversely to the amendment, which was concurred in and reported an amendment.

Mr. Clitherall moved to amend as follows:

Or to any other county in which by law, the offices of tax collector and assessor have heretofore been consolidated.

Mr. Hale moved to amend as follows:

Or to any county in which the sheriff is by law made tax collector.

Adopted.

Mr. Coleman moved to amend as follows:

That if any tax payer shall fail to attend at such time and place as said collectors and assessors shall appoint, such defaulter shall pay such officers one dollar for their having to attend the residence of each tax payer, or any law to the contrary not-



withstanding; which, on motion of Mr. Davis was laid on the table.

Mr. Cooper moved to lay the bill on the table.

Lost.

Yeas 74, nays 7, on ordering the bill to a third reading forthwith.

Ayes—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clifton, Cowan, Cunningham, Davis, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Jones, Knox, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Oates, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Sherrod, Slater, Smith of Coosa, Starke, Tate of Macon, Tate of Wilcox, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield, Woods.—74.

Nays—Calhoun, Clitherall, Coleman, Cooper, Easley, Lane, Taylor.—7.

The bill passed.

The committee on ways and means, to whom was referred the message of the Governor, with the report of the Hon. G. T. Yelverton under joint resolution in regard to the session of West Florida, reported a bill to compensate G. T. Yelverton to negotiate for the session of West Florida, which was read a first and second time under a suspension of the constitutional rule.

Mr. Clitherall moved to strike out four and insert six, the question was first on striking out.

Yeas 29, nays 53.

Ayes—Messrs. Speaker, Adams, Brooks, Brown of Marion, Brown of Tuscaloosa, Chambers, Clayton, Clitherall, Coleman, Cooper, Davidson, Davis, Gilchrist, Goldsmith, Hale, Huckabee, Knox, Lowe, Overall, Ramsey, Scott, Shepard, Starke, Tate of Macon, Walker, Warren, Whitfield, Wright, Woods.—29.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Bradley, Burgess, Bush, Calhoun, Carter, Clifton, Cowan, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Irby, Jack, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Oates, Parsons, Seay, Sherrod, Slater, Smith of Coosa, Tait of Wilcox, Taylor,

Thomas, Thornton, Walden of Coosa, Walden of Morgan, White.  
—53.

Mr. Clitherall moved to amend as follows:

That the sum of one thousand dollars is in like manner appropriated to said Yelverton, as compensation for his extra services in canvassing West Florida before the meeting of the legislature of said State; which on motion of Mr. Shepard, was laid on the table, the bill was then read the third time and passed.

Yeas 74, nays 10.

Yeas—Messrs. Speaker, Abney, Adams, Bell, Bowen, Bradley Brooks, Brown of Tuscaloosa, Bush, Calhoun, Carter, Chambers, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jack, Jones, Knox, Lane, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Parsons, Ramsey, Scott, Seay, Shepard, Sherrod, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—74.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Burgess, Fielder, Griffin of Marshall, Holley of Covington, Latham, Lloyd, Wright.—10.

Mr. Irby, from the same committee, reported favorably on the bill to change the tax on slaves sold by dealers and brokers.

Mr. Irby moved to amend the bill as follows:

Insert after the 2d section: Provided, That any slave dealer or broker, who fails to comply with the provisions of this section, shall be liable to all the penalties of sections 399 and 400 of the Code.

Adopted.

Mr. Rice moved to strike out fifty cents and insert one per cent. and re-commit the bill.

The hour of 5 o'clock arrived; the House adjourned.

Mr. Parsons entitled to the floor.

WEDNESDAY, Feb. 8, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Mabry, by leave, reported from select committee favorably to authorize the Governor to deliver up certain bonds therein named, which bill was read a third time forthwith and passed.

Mr. Seay moved to take up bills on second reading.

Lost.

Mr. Walker moved to suspend the business before the House to take up the bill to loan and appropriate the three per cent. fund and its interest.

Yeas 46 on suspending, nays 27.

Carried.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Brooks, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Calhoun, Carter, Clapp, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hightower, Hobbs, Hudgins, Jack, Knox, Latham, Mabry, McMurry, Musgrove, Shepard, Smith of Coosa, Starke, Tate of Macon, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright.—46.

Nays—Messrs. Speaker, Bowen, Bradley, Chambers, Clayton, Clifton, Clitherall, Coleman, Fountain, Griffin of Dale, Holley of Covington, Humphries, Jones, Lane, Neal, Oats, Overall, Parsons, Ramsey, Seay, Slater, Smith of Lauderdale, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Warren.—27.

The question then was upon considering the bill mentioned by Mr. Walker.

Yeas 50, nays 29.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Brooks, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Calhoun, Chambers, Clapp, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hightower, Hobbs, Hubbard, Hudgins, Irby, Jack, Jones, Knox, Mabry, McMurry, Musgrove, Ramsey, Shepard, Smith of Coosa, Starke, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Woods, Wright.—50.

Nays—Messrs. Speaker, Bradley, Carter, Clayton, Clifton, Clitherall, Coleman, Fielder, Fountain, Griffin of Dale, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Humphries, Lane, Lowe, Meadows, Neal, Oats, Overall, Parsons, Seay, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Walden of Coosa, Warren.—29.

The hour of 12 o'clock having arrived, for which hour there were several special orders, which,

On motion of Mr. Irby were suspended to proceed with the bill under consideration.

Leave of absence was granted Mr. Goldsmith.

When the hour of 1½ o'clock arrived the House stood adjourned until 3 P. M.

AFTERNOON SESSION, Feb. 8, 1860.

Mr. Clitherall took the Chair and called the House to order.

Mr. Starke, by leave, from committee on local legislation, reported favorably on the bill for the relief of the executors of John C. Waters.

Which was read a third time forthwith and passed.

Mr. Rice withdrew the motion to re-commit the bill to change the tax on slaves sold by dealers and brokers.

Mr. Ramsey moved to re-commit the bill to a select committee.

Carried.

Mr. Irby reported sundry bills on same subject, which were referred to the select committee just raised.

Mr. Irby, from committee on ways and means, reported an amendment to the Senate bill to amend section 43 of the Code, regulating mileage.

The amendment is as follows:

1st. Strike out *four* in the 5th line of the bill and insert *five*.

2d. Strike out in the 2d section all after the enacting clause, and insert: "That the provisions of this act shall take effect from and after the expiration of the term of service of the members of the present general assembly."

Mr. Scott moved to postpone the consideration of the bill and amendments until Monday next.

Yeas 17, nays 61.

Yeas—Messrs. Aldridge, Bell, Bibb, Bradley, Calhoun, Easley, Fountain, Gilchrist, Griffin of Jackson, Holley of Covington, Jones, Lane, Lowe, Parsons, Rice, Scott, Tate of Macon.

Nays—Messrs. Speaker, Adams, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Davis, Ferrell, Flake, Forney, Gibson, Griffin of Dale, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Huckabee, Hudgins, Humphries, Irby, Jack, Latham, Lloyd, Mabry, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield, Wright, Woods.

Mr. Walden of Coosa, moved to amend by striking out "four dollars" where it occurs in the 6th line of the bill, and insert *three dollars*.

Mr. Griffin of Marshall, moved to lay the amendment on the table.

Carried.

Yeas 64, nays 12.

Yeas—Messrs. Speaker, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan Burgess, Bush, Calhoun, Chambers, Clapp, Clayton, Clitherall, Coleman, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hobbs, Holley of Covington, Huckabee, Hudgins, Irby, Jack, Jones, Lane, Latham, Lloyd, Lowe, Mabry, McMurry, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas Thornton, Walden of Morgan, Warren, White, Whitfield, Woods.

Nays—Messrs. Clifton, Cooper, Cowan, Flake, Hardwick, Humphries, Meadows, Musgrove, Sherrod, Smith of Coosa, Taylor, Walden of Coosa, Wright.

Mr. Meek (Mr. Clitherall in the chair,) moved to amend as follows:

Strike out "four" in the first amendment.

Lost.

Yeas 28, nays 47.

Yeas—Messrs. Speaker, Brown of Marion, Bryan, Chambers, Clapp, Clayton, Clitherall, Coleman, Cooper, Flake, Gibson, Griffin of Jackson, Griffin of Marshall, Herman, Hobbs, Hudgins, Irby, Jones, Mabry, Overall, Ramsey, Rice, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Woods.

Nays—Messrs. Adams, Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Tuscaloosa, Burgess, Bush, Calhoun, Carter, Clifton, Cowan, Davis, Easley, Fielder, Forney, Fountain, Gilchrist, Griffin of Dale, Hale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Hubbard, Humphries, Jack, Lane, Latham, Lloyd, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Scott, Seay, Smith of Coosa, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, Whitfield, Wright.

Mr. Chambers moved to lay the bill and amendments on the table.

A division of the question was called, and the question was first on laying the amendments on the table.

Lost.

Yeas 34, nays 40.

Yeas—Messrs. Speaker, Adams, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clapp, Clayton, Clitherall, Coleman, Davis, Forney, Gibson, Griffin of

Jackson, Hale, Hardwick, Hobbs, Huckabee, Hudgins, Latham, Lloyd, Mabry, Meadows, Musgrove, Overall, Shepard, Starke, Tate of Macon, Taylor, Thornton, Warren.

Nays—Messrs. Aldridge, Bell, Bibb, Burgess, Calhoun, Carter, Cooper, Cowan, Easley, Ferrell, Fielder, Flake, Fountain, Griffin of Dale, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hubbard, Humphries, Jones, Lane, Lowe, McMurry, Oats, Ramsey, Rice, Scott Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thomas, Walden of Coosa, Walden of Morgan, White, Whitfield, Wright, Woods.

Question then was on laying the bill on the table.

Lost.

Yeas 24, nays 57.

Yeas—Messrs. Speaker, Aldridge, Bibb, Bradley, Burgess, Chambers, Clapp, Coleman, Cooper, Cowan, Davis Easley, Flake, Gibson, Griffin of Jackson, Griffin of Marshall erman, Hobbs, Hubbard, Lowe, Oats, Smith of Lauderdale, Walden of Morgan, Woods.

Nays—Messrs. Adams, Bell, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Clayton, Clifton, Clitherall, Cunningham, Ferrell, Fielder, Forney, Fountain, Gilchrist, Griffin of Dale, Hale Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Huckabee, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Whitfield, Wright.

Mr. Scott moved to reconsider the vote just taken.

Mr. Starke moved to lay that motion on the table.

Carried.

Yeas 66, nays 12.

Yeas—Messrs. Adams, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Davis, Easley, Ferrell, Forney, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Harshall, Hale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Irby, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Overall, Parsons, Ramsey, Shepard, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield.

Nays—Messrs. Speaker, Aldridge, Griffin of Jackson, Herman, Hudgins, Oats, Rice, Scott, Slater, Smith of Lauderdale, Wright, Woods.

Mr. Scott moved to adjourn until half past nine o'clock.

Lost.

Mr. Oates moved to adjourn until half past nine o'clock.

Mr. Speaker (Mr. Clitherall,) decided the motion of Mr. Oates to be out of order, as no business had been transacted since the motion to adjourn of Mr. Scott had been voted down; from which decision Mr. Oates appealed.

The question being shall the decision of the chair stand as the judgment of the house—and the house sustained the chair.

The hour of 5 o'clock arrived, and the house stood adjourned until half past nine o'clock to-morrow, A. M.

THURSDAY, 9th Feb. 1860.

House met pursuant to adjournment.

The journals of Saturday, Monday, Tuesday and Wednesday was read and approved.

Mr. Walker moved to suspend business to allow committees to report.

Mr. Starke moved to suspend business to allow special committee to report.

Ruled out of order by the chair.

#### CALL OF COUNTIES.

The following bills were introduced, read first, second and third times under a suspension of the constitution rule, and passed:

Mr. Taylor: to incorporate the male and female academy at Autaugaville, in Autauga county;

Also, to give the 40th chancery district of the middle chancery division jurisdiction in certain cases;

Also, to incorporate the Prattville, male and female academy, in Autauga county;

Mr. Forney: to repeal an act entitled an act to lay off Benton county in commissioners' districts, approved 3rd December, 1857, and for other purposes, so far as said act relates to Calhoun county;

Mr. Tait of Macon: to incorporate the Tuskegee railroad company;

Mr. Jones: to authorize the probate court of Russell county to sanction and confirm a division of the slaves belonging to the estate of Mathew Averett;

Mr. Woods: to incorporate the Montgomery Mounted Rifles;

Also, to incorporate the Metropolitan Guards;

Also for the relief of Jno. Irwin;

Mr. Chambers: to graduate and fix the fees of the judge of probate of Barbour county;

Also, to authorize the court of county commissioners in Barbour county, to refund a certain sum of money to Abner C. F. Lewellen;

Mr. Bowen: to incorporate Pleasant Hill academy, in Barbour county;

Mr. Irby: to incorporate the Walker Springs company, in Clarke county;

Also, to incorporate the Southern Guards, in Dallas county;

Mr. Walden of Coosa: to authorize John Varner and others to continue fish traps on Coosa river;

Mr. Oats: to establish a medical board in Franklin county;

Mr. Clayton: to authorize the administratrix of the estate of John M. Andrews to remove the administration from the county of Coosa to the county of Chambers, which was read first and second time under a suspension of the rule.

Mr. Walden of Coosa, moved to amend: *Provided*, the creditors of said Andrews are willing to the removal.

Adopted.

Bill read a third time and passed.

The following bills were introduced, read the first and second time, under a suspension of the rule, and referred to the judiciary committee:

Mr. Rice: to amend 1285 of the Code;

Mr. Woods: to establish a city court in the city and county of Montgomery;

Mr. Abney: to amend section 3249 of the Code;

Mr. Tait of Macon: to amend section 2768 of the Code;

Mr. Hudgins: for the relief of the minor children of George Walker, a lunatic citizen of Jackson county.

Mr. Speaker announced the committee of conference on the bills to incorporate the Alabama Baptist Convention; and to reorganize and fix the times of holding the courts of chancery in the middle chancery division, to be Messrs. Hale, Irby, and Tate of Macon.

The following bills were introduced, read first and second times, under a suspension of the rule, and referred to the committee on the judiciary:

Mr. Woods: to incorporate the Montgomery plantation goods manufacturing company;



Also, to incorporate the Montgomery mining and manufacturing company, mines located in Talladega county.

The following bills were introduced, read first and second times under a suspension of the rule, and referred to local legislation:

Mr. Taylor: to declare Samuel S. Falkner a citizen of Autauga county;

Mr. Woods: to regulate the commissioners' sales by the register in chancery for the chancery division, composed of the county of Montgomery;

Mr. Wright: to authorize Thos. R. Manyham, to practice law in the several counties of this State;

Mr. Shepard: for the relief of Winna Blond.

The following bills were introduced, read first and second times under a suspension of the rule, and referred to military committee:

Mr. Chambers: to provide for the manufacture of fire arms in this State:

Mr. Cooper: to provide for the safe keeping of the arms belonging to the State of Ala.

The following bills were introduced, read first and second times under a suspension of the constitutional rule, and referred to committee on 16th section:

Mr. Hubbard: for the benefit of the inhabitants of township, range 9 west;

Mr. Cunningham: for the relief of Daniel Johnston, of Macon;

Mr. Speaker announced Messrs. Ramsey, Rice, Tait of Wilcox, Davis and Bowen select committee to which was referred the bill to change the tax on slaves sold by dealers and brokers.

Mr. Davidson: to prevent the evasion of the revenue laws, read first and second times under a suspension of the rule, and referred to select committee appointed above.

Mr. Shepard: to collect and loan a portion of the two per cent. fund; which was read first and second time, and referred to the committee on internal improvements.

Mr. Clitherall: to repay to the several townships in this State the fund due by the State on account of the 16th sections, was read first and second time, and referred to committee on education.

Mr. Irby: to impose new duties upon the secretary of the Senate and clerk of the House of Representatives; which was read first and second time, and referred to a select committee of five, composed of Messrs. Clayton, Forney, Whitfield, Gilchrist and Clitherall.

Mr. Hubbard: to enable a majority of the voters residing near churches, meeting houses, places of religious worship and schools to prohibit retailing within one and a half miles of the same; which was read first and second time under the suspension of the rule.

Mr. Davis moved to except Limestone.

Mr. Abney moved to except Monroe.

Mr. Hubbard moved the previous question on the passage of the bill.

Mr. Davis moved to lay the bill on the table.

Lost.

Mr. Davis moved to postpone the consideration of the bill until Feb. 17.

Yeas 38, nays 43.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bryan, Burgess, Clapp, Clifton, Cowan, Davidson, Davis, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Hardwick, Hobbs, Holley of Tallapoosa, Huckabee, Irby, Knox, Lane, Latham, Lloyd, Lowe, Martin, Meadows, Parsons, Scott, Smith of Lauderdale, Starke, Walden of Coosa, Walker, Warren, Wright.—38.

Nays—Messrs. Bowdon, Bradley, Brooks, Brown of Marion, Bush, Calhoun, Carter, Chambers, Clayton, Clitherall, Cooper, Cunningham, Easley, Ferrell, Forney, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Humphries, Jack, Jones, McMurry, Musgrove, Neal, Oats, Overall, Seay, Shepard, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Morgan, White, Woods.—43.

The question then recurred upon the call of the previous question.

Carried.

Yeas 63, nays 18.

Yeas—Messrs. Speaker, Adams, Bell, Bowdon, Bradley, Brooks, Brown of Marion, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clitherall, Cooper, Cunningham, Davidson, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Jack, Jones, Knox, Lane, Latham, Lowe, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Rice, Scott, Seay, Shepard, Slater, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Morgan, White, Whitfield, Woods.—63.

Nays—Messrs. Abney, Aldridge, Bibb, Clayton, Clifton, Davis, Griffin of Dale, Hardwick, Hobbs, Huckabee, Lloyd, Meadows, Smith of Lauderdale, Starke, Walden of Coosa, Walker, Warren, Wright.—18.

The bill was then ordered to a third reading, and was so announced by the Chair, (Mr. Griffin of Marshall.)

Mr. Starke made a point of order, that he called for the yeas and nays on ordering the bill to a third reading, before the vote was announced.

The Speaker, (Mr. Griffin of Marshall in the Chair,) decided that the gentleman was not in order when he made the motion.

From which decision Mr. Starke appealed, and the question being—

Shall the decision of the Chair stand as the judgment of the House?

Yeas 71, nays 1.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowdon, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Chambers, Clapp, Clayton, Clitherall, Coleman, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Jones, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Overall, Ramsey, Scott, Seay, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, Warren, White, Whitfield, Woods.—71.

Nays—Mr. Wright.—1.

Message from the Senate:

SENATE, Feb. 9, 1860.

*Mr. Speaker:* The Senate has appointed Messrs. Chilton, Patton and Calhoun as a committee on the part of the Senate to confer with the committee on the part of the House, upon the Senate bill

To incorporate the Alabama Baptist State Convention.

And the House bill

To re-organize and fix the time of holding the chancery courts in the middle chancery division.

The Senate has originated and passed bills with the following titles:

For the relief of the legatees of Marcus A. Flournoy, deceased;

To incorporate the Aberfoil Academy in the county of Macon;

To amend the Attachment Law in the State of Alabama;

To amend the Patrol Law of Pickens county;

To incorporate the Tuscaloosa Insurance Company;

To define and establish the boundary line between the counties of Mobile and Washington in this State.

Has passed the House bill

To incorporate the Huntsville Big Cove Turnpike Company.

The Senate has originated and passed a bill

To prevent the unauthorized sale of lottery tickets in the State of Alabama.

M. TAUL, Secretary Senate.

Mr. Hudgins: to protect the purity of the polls and ensure a fair expression of the popular will in all elections in the State of Alabama; which was read first and second times under a suspension of the constitutional rule, and on motion of Mr. Oats, laid on the table.

Yeas 61, nays 19.

Carried.

Ayes—Messrs. Speaker, Abney, Adams, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Irby, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Ramsey, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, Whitfield, Wright.

Nays—Messrs. Aldridge, Bell, Brooks, Carter, Clayton, Clitherrall, Coleman, Griffin of Jackson, Holley of Covington, Huckabee, Hudgins, Knox, Lane, Latham, Neal, Parsons, Rice, Seay, White, Woods.

Mr. Brooks: for the relief of the estate of Morgan Smith, deceased; read first and second times under a suspension of the constitutional rule, and referred to accounts and claims;

Mr. Lowe: to carry into effect an act of Congress approved 2d June, 1854, authorizing the selection of lands in lieu of 16th sections, within the twelve-miles-square reservation in the State of Alabama; which was read first and second times, and referred to delegations from Madison and Marshall;

Mr. Overall: to amend section 2673 and 2676 of the Code,

in their application to the county of Mobile; which was read first and second times under suspension of rule, and referred to delegation from Mobile;

Mr. Taylor presented the account of C. W. Shelly.

Mr. Hale presented the account of C. Pariricini, which was referred to committee on accounts and claims.

Mr. Clayton presented a memorial to Congress to restore certain lands to sale; which was referred to committee on federal relations;

Mr. Jones: for the protection of voters in Russell county, which was read first and second times under a suspension of the rule.

Mr. Clayton moved to amend by adding Chambers.

Adopted.

Mr. Lloyd moved to adjourn until 3 o'clock.

Lost.

Mr. Jones moved to strike out three months in the bill.

Carried.

Mr. Bryan moved to add Macon.

Adopted.

Mr. Jones moved the previous question on reading bill the third time forthwith.

Carried.

The bill passed.

Yeas 48, nays 21.

Ayes—Messrs. Bell, Bibb, Brooks, Brown of Tuscaloosa, Bryan, Calhoun, Carter, Chambers, Clayton, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Fountain, Goldsmith, Griffin of Jackson, Hale, Herren of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Jones, Knox, Lane, Lowe, McMurry, Meadows, Musgrove, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Starke, Tate of Macon, Thomas, Thornton, Warren, White, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Aldridge, Brown of Marion, Burgess, Clapp, Clitherall, Coleman, Gibson, Gilchrist, Griffin of Marshall, Herman, Hightower, Huckabee, Latham, Lloyd, Oats, Overall, Seay, Seale, Smith of Coosa, Tait of Wilcox.

When one-half past one o'clock arrived, and the house stood adjourned.

#### AFTERNOON SESSION, Feb. 9, 1860.

House met pursuant to adjournment.

The roll was called, and fifty-six members answered to their names.

Messrs. Speaker, Adams Aldridge, Bell, Bibb, Bowden, Bradley, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Chambers, Clapp, Clifton, Clitherall, Coleman, Cowan, Davidson, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Holley of Covington, Hubbard, Huckabee, Irby, Jack, Jones, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Overall, Ramsey, Shepard, Starke, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Whitfield, Wright, Woods.

Mr. Clitherall, from special committee, reported favorably on the bill to enable the people of Pickens county to more permanently locate the seat of justice of said county, and for other purposes; which was read third time and passed.

Messrs. Rice, Scott, Davis, Oats, Dark, Lane, Meadows, and Cooper, had their names called at fifteen minutes to three o'clock.

Mr. Clitherall, from special committee, to which was referred a bill to amend section 1058 of the Code, so as to prevent the sale of liquors to persons of known intemperate habits, reported a substitute, which was adopted.

Mr. Warren moved to lay the bill and substitute on the table.

Carried.

Yeas 33, nays 31.

Laid on the table.

Ayes—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bryan, Burgess, Bush, Calhoun, Clapp, Clifton, Dark, Easley, Ferrell, Goldsmith, Griffin of Marshall, Hearin of Clarke, Hightower, Holley of Covington, Jack, Lane, Latham, Lloyd, Martin, McMurry, Oats, Smith of Coosa, Tait of Wilcox, Thomas, Thornton, Walden of Coosa, Warren, Wright.

Nays—Messrs. Bowden, Bradley, Brown of Tuscaloosa, Clitherall, Coleman, Cooper, Davidson, Forney, Gibson, Gilchrist, Griffin of J., Hale, Hardwick, Herman, Hubbard, Huckabee, Jones, Mabry, Meadows, Musgrove, Overall, Ramsey, Rice, Scott, Shepard, Starke, Tate of Macon, Walden of Morgan, White, Whitfield, Woods.

Mr. Walden, of Coosa, moved to re-consider the vote by which the house passed the bill making the pay of bailiffs while in attendance on the circuit courts, the same as jurors.

Carried.

Also, to re-consider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Walden then moved to amend by adding the counties of Coosa, Limestone, Winston, Pike, Pickens, Montgomery, Macon, Morgan, Shelby, Marshall, Covington, Sumter, Autauga, Franklin, Choctaw, Henry, Bibb, Butler, and Russell.

Mr. Clitherall moved to add, while in attendance on the circuit court.

Carried.

Which bill, as amended, was read a third time and passed.

Mr. Woods, from special committee, to whom was referred the senate bill to increase the pay of witnesses in the county of Montgomery, reported back an amendment, which was adopted and read third time and passed.

Mr. Fielder, from the special committee to whom was referred the senate bill to fix the time of holding the circuit courts for the 7th judicial circuit, reported back an amendment: which amendment was adopted, and bill read third time and passed.

Mr. Ferrell, from the special committee to whom was referred the house bill to repeal in part an act therein named, reported back favorably and recommended its passage, which bill was read third time and passed.

Mr. Thornton, from the special committee, to whom was referred a house bill to define and establish the line between the counties of Cherokee and DeKalb, reported back a substitute, which was adopted; which bill was read third time and passed.

Mr. Starke moved to suspend regular reports, to allow committee on divorce and alimony to report.

Lost.

Leave of absence was granted to Messrs. Bowen and Seale.

The house proceeded to the consideration of the bill to amend section 43 of the Code, regulating mileage.

Question being on the amendment of the committee.

Mr. Clitherall offered a substitute to the committee's amendment.

Adopted.

Mr. Walden, of Coosa, moved to strike out 45 and insert 40, to the county site of Coosa.

Carried.

Mr. Clayton moved to amend by striking out 95 and insert 150, in Barbour.

Mr. Lloyd moved to lay the amendment on the table.

Carried.

Mr. Oats moved to lay the bill and amendments on the table.

Lost.

Yeas 21, nays 61.

Yeas—Messrs. Speaker, Abney, Bibb, Bowden, Bush, Davis,

Easley, Griffin of Jackson, Griffin of Marshall, Herman, Hobbs, Holley of Covington, Hubbard, Lowe, Oats, Rice, Scott, Seay, Tait of Wilcox, Walden of Morgan.

Nays—Messrs. Adams, Aldridge, Bell, Brooks, Brown of Tuscaloosa, Bryan, Burgess, Calhoun, Carter, Chambers, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Hale, Hardwick, Hearin of Clarke, Hightower, Holley of Tallapoosa, Huckabee, Humphries, Irby, Jack, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Parsons, Ramsey, Shepard, Slater, Smith of Coosa, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Whitfield, Wright, Woods.

Mr. Hubbard moved the indefinite postponement of the bill.

Mr. Clitherall moved the previous question.

The hour of one-half past five arrived; the house adjourned until one-half past nine A. M. to-morrow.

#### FRIDAY MORNING, Feb. 10, 1860.

House met pursuant to adjournment.

Reading of the journal dispensed with.

Mr. Scott offered the following resolution:

*Be it Resolved*, That the rule requiring the house to meet at one-half past nine o'clock A. M. and three P. M., be, and the same is hereby recinded.

*Be it further resolved*, That hereafter the house shall meet at 10 o'clock A. M. and adjourn at 3½ P. M., each day.

Lies over one day.

The following bills were introduced and read first and second times under a suspension of the constitutional rule, and passed:

Mr. Hubbard: for the relief of Chapman Roberts, late tax assessor of Lawrence county;

Mr. Walker: for the relief of the executors of Jno. Bloodgood, late of Mobile, deceased;

Mr. Martin: to prevent the sale of spirituous liquors within two miles of Salem Baptist Church, in Jefferson county;

Mr. Griffin, of Marshall: for the relief of Washington T. May.

Mr. Parsons reported a substitute to Senate bills as follows:

To secure to the State of Alabama the lands appropriated to the State of Arkansas and other States;

To reclaim the swamp lands within their limits, by act of Congress approved 28th September, 1850.

Ordered to the Senate forthwith.



Mr. Easley : to authorize M. P. Leath, of the county of Walker, to erect a mill dam across Wolf Creek ;

Also, to regulate the road law in Walker county ;

Mr. Jones : To change the time of holding the circuit courts in the 9th judicial circuit ; referred to the delegation from 9th judicial circuit, also delegation of Talladega.

Mr. Holley, of Tallapoosa : A bill to compensate James D. Meadows, sheriff of Tallapoosa county, read first and second times under a suspension of the constitutional rule, and referred to committee on accounts and claims.

Mr. Gibson presented an account in favor of Jno. W. Moore, which was referred to committee on accounts and claims.

Mr. Coleman presented a petition of the ladies and citizens of the town of Fayetteville in the county of Fayette, which was referred to committee on propositions and grievances.

Message from the Senate.

*Mr. Speaker :* The Senate has amended and passed the House bill to incorporate the bank of Alabama, and for other purposes.

M. TAUL.

House renewed the consideration of the bill to loan and appropriate the three per cent. fund and its interest.

Message from the Senate by Mr. Roberts.

SENATE, Feb. 10, 1860.

*Mr. Speaker :* The Senate has originated and passed bills with the following titles.

To legalize the establishment of beat No. 19, in the county of DeKalb ;

To authorize the corporation of Selma, to appoint Port Wardens and inspectors ;

To authorize the Governor to issue to the heirs of Terry Bradley, deceased, of Lauderdale county, patents for certain lands therein described ;

To legalize the late election of clerk of the circuit court of Winston county ;

To amend section 1825 of the Code of Alabama ;

To give jurisdiction to the chancery court of Madison county, to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things there named ;

To require itinerant salemen who sell by sample or pattern in this State, to take out a license ;

To incorporate the Coosa navigation and coal mining company ;

To incorporate the Carrolton and Eutaw railroad company.  
M. TAUL, Secretary Senate.

The House concurred in the several amendments of the Senate bill to incorporate the bank of Alabama, and for other purposes.

Mr. Oates gave notice that he would move to reconsider the vote by which the House laid on the table the bill to protect the purity of the polls and secure a fair expresion of the popular will in all elections, in the State of Alabama.

The hour of half-past 1 arrived, and the House adjourned.

#### AFTERNOON SESSION, Feb. 10, 1860.

Roll called; sixty-one members present.

House resumed the consideration of the bill to amend section forty-three of the Code, regulating mileage; question being on the indefinite postponement of the bill.

Mr. Starke moved the previous question on ordering the bill to be read a third time forthwith.

Carried.

The amedment offered by Mr. Clitherall was cut off by the previous question.

The bill was ordered to a third reading.

Yeas 54, nays 18.

Ayes—Messrs. Adams, Aldridge, Bell, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Carter, Chambers, Clayton, Clifton, Clitherall, Cooper, Dark, Davidson, Ferrell, Forney, Fountain, Gilchrist, Goldsmith, Hale, Hardwick, Hearin, of Clarke, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Irby, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Parsons, Ramsey, Shepard, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Whitfield, Wright.—54.

Nays—Messrs. Speaker, Bibb, Bowdon, Bradley, Burgess, Coleman, Cowan, Easley, Gibson, Griffin of Jackson, Griffin of Marshall, Herman, Hobbs, Jack, Oats, Overall, Seay, Walden of Morgan.—18.

The bill was read a third time.

Mr. Clitherall moved the previous question on the passage of the bill, sustained by four-fifths, which cut off all debate.

The bill then passed.

Yeas 58, nays 20.

Ayes—Messrs. Adams, Aldridge, Bell, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Carter, Chambers, Clayton, Clifton, Clither-

all, Cooper, Dark, Davidson, Ferrell, Forney, Fountain, Gilchrist, Goldsmith, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Oats, Parsons, Ramsey, Shepard, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Warren, White, Whitfield, Wright.—58.

Nays—Messrs. Speaker, Bibb, Bowdon, Bradley, Brown of Marion, Clapp, Coleman, Cowan, Davis, Easley, Gibson, Griffin of Jackson, Griffin of Marshall, Herman, Hobbs, Jack, Overall, Scott, Seay, Sherrod, Walden of Morgan.—20.

Mr. Clitherall moved to reconsider the vote first taken, and to lay that motion on the table.

Carried.

Mr. Irby, from ways and means, reported adversely to the bill altering the mode of assessing and collecting the taxes of Shelby county.

Concurred in.

Mr. Irby, from same committee, reported adversely to the amendment of Mr. Rice, to bill compensating E. S. Dargan and P. Phillips, for services in the litigation between Georgia and Alabama as to boundary lines; also, reported an amendment which was adopted.

Mr. Rice moved to amend, by adding after the words E. S. Dargan, the words "five hundred dollars to the legal representative of J. E. Belser, deceased," in the first and third sections of the bill.

Adopted.

Mr. Parsons moved to amend, by striking out Edward where it occurs in the bill and insert E.

Adopted.

The bill passed.

Yeas 40, nays 39.

Ayes—Messrs. Adams, Bell, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clayton, Clitherall, Cooper, Dark, Davis, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Hale, Hobbs, Holley of Tallapoosa, Hudgins, Irby, Jones, Lane, Martin, Neal, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Starke, Tate of Macon, Thomas, Walden of Morgan, White, Whitfield, Woods.—40.

Nays—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Burgess, Calhoun, Clapp, Clifton, Coleman, Cowan, Davidson, Easley, Ferrell, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hightower, Holley of

Covington, Huckabee, Humphries, Jack, Knox, Latham, Lloyd, Mabry, McMurry, Meadows, Musgrove, Oats, Slater, Smith of Coosa, Tait of Wilcox, Taylor, Thornton, Walden of Coosa, Warren, Wright.—39.

Mr. Irby, from same committee, reported adversely to the bill to increase the tax on certain exhibitions.

Mr. Walden, of Coosa, moved to lay the bill and report on the table, a division of the question was called.

Question first was on laying the report on the table.

Carried.

Question then was on laying the bill on the table.

Lost.

Mr. Clayton moved to amend, by striking out all after the enacting clause and insert the following:

(*Note by the Clerk.*—Mr. Clayton was to hand the amendment to the clerk, and during the press of business omitted to do so.)

Which, on motion was referred to a select committee of five, composed of Messrs. Clayton, Huckabee, Taylor, Seay and Neal.

When the hour of five o'clock arrived, and the House stood adjourned until 9½ o'clock to-morrow.

SATURDAY, 11th Feb., 1860.

House met pursuant to adjournment.

The journal was read, corrected and approved.

Mr. Whitfield presented a memorial, which was referred to the committee on local legislation.

Mr. Whitfield, a petition, referred to committee on ways and means.

Mr. Cooper moved to reconsider the vote by which the motion was made to lay on the table, the motion to reconsider the vote on the passage of the bill, to amend section 43 of the Code, regulating mileage.

The motion to lay on the table was reconsidered.

Yeas 41, nays 43.

Yeas—Messrs. Adams, Bush, Calhoun, Chambers, Clayton, Clitherall, Cunningham, Dark, Davidson, Forney, Fountain, Goldsmith, Hale, Hardwick, Hearin of Clarke, Herren, of Tallapoosa, Hobbs, Holley of Covington, Humphries, Irby, Knox, Lane, Latham, Lloyd, Mabry, Martin, Meadows, Musgrove, Neal, Ramsey, Shepard, Smith of Coosa, Starke, Tait of Wilcox, Taylor, Thornton, Walden of Coosa, Warren, White, Whitfield, Wright.—41.

Nays—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Carter, Clapp, Coleman, Cooper, Cowan, Davis, Easley, Ferrell, Flake, Forsyth, Gibson, Griffin of Jackson, Griffin of Marshall, Herman, Hightower, Hubbard, Hudgins, Jack, Jones, Lowe, McMurry, Oats, Overall, Parsons, Scott, Seay, Smith of Lauderdale, Tate of Macon, Thomas, Walden of Morgan, Walker, Woods.—43.

Mr. Clitherall made a point of order that a motion to lay on the table, a motion to reconsider could not be reconsidered; the chair decided that such motion could be reconsidered; from this decision—

Mr. Clitherall took an appeal seconded by Mr. Forney.

The chair was sustained.

Yeas 55, nays 29.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Calhoun, Carter, Clapp, Clifton, Coleman, Cooper, Cowan, Cunningham, Davis, Easley, Ferrell, Flake, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Jack, Jones, Latham, Lowe, McMurry, Musgrove, Oats, Overall, Parsons, Ramsey, Scott, Seay, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Taylor, Thomas, Walden of Morgan, Walker, White, Wright.—55.

Nays—Messrs. Adams, Bush, Chambers, Clayton, Clitherall, Dark, Davidson, Forney, Fountain, Goldsmith, Hale, Hearin of Clarke, Herren of Tallapoosa, Humphries, Irby, Knox, Lane, Lloyd, Mabry, Martin, Meadows, Neal, Smith of Coosa, Starke, Tait of Wilcox, Thornton, Walden of Coosa, Warren, Whitfield.—29.

Mr. Clitherall, moved to reconsider the motion by which the bill was ordered to a third reading.

Carried.

Mr. Clitherall moved to amend by striking out all after the enacting clause of the 2nd section, and inserting the following: That the provisions of this act shall not be held to effect the right of any member elected to the General Assembly on the 1st Monday in August, 1859, or prior thereto, to the mileage heretofore allowed, which was adopted.

The bill was read a third time forthwith, and passed.

Message from Senate by Mr. Roberts.

Senate, Feb. 11, 1860.

Mr. Speaker: The Senate has originated and passed bills with the following titles:

To amend the charter of Howard college, at Marion, Alabama;

To authorize Jesse Sample to sell a certain tract of land therein named;

To amend the charter and change the name of the South Alabama mining, manufacturing and transportation company;

For the relief of Thomas H. Brasher, James Holmes, senior, Andrew J. Cross and Wm. G. Falkner;

For the relief of W. F. Rose, tax collector of Lawrence county;

To prevent the sale of spirituous liquors within two miles of Salem Baptist Church, or within one and a quarter miles of Toulminville church, in Mobile county;

To regulate the sale of spirituous liquors in precinct No. 5, in the county of Shelby;

To establish a county court for Montgomery county;

To provide more effectually for the trial of certain cases in the circuit courts of this State;

To protect guardians;

For the relief of May, daughter of James L. C. Floyd, of Pike county;

To authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named;

Joint memorial upon the subject of selection of public lands, to aid in the construction of the Girard and Mobile railroad;

Has also passed the following House bills:

For the relief of the estate of Gray Little;

To repeal a certain act therein named, regulating the registration of claims in the county of Dekalb;

For the relief of the children of John Stewart and Rose Stewart;

For the benefit of insolvent white persons confined in jail, in any county in this State;

To provide for the more effectual collection of the city taxes in the city of Mobile, and for other purposes;

To amend the law in regard to security for costs in certain cases;

To enable Nicholas Davis, trustee, to change the investment of trust funds;

To provide for the holding of corners inquests by justices of the peace in certain cases;

To authorize the Governor to issue a patent to Thomas Walker, of Dallas county for certain school lands therein mentioned;

To regulate the jurisdiction and fees of justices of the peace, in the city of Mobile;

To compensate surgeons and physicians for attending coroners inquests ;

To amend the criminal laws of this State ;

To regulate the pay of jurors in cases of change of venue ;

For the relief of the estate of the late Mary Foster, of Mobile county ;

To authorize the coroners of this State to appoint bailiffs ;

To amend section 2005 of the Code ;

To amend section 2235 of the Code ;

Has amended and passed the House bill, to enable Ned Adkins, a free man of color, to become a slave ;

Has rejected House bills of the following titles :

To amend section 3133 of the Code ;

To change the law relative to the opening of depositions ;

To amend section 775 of the Code of Alabama ;

The better to regulate proceedings in the probate courts, and for other purposes ;

To amend the law in relation to the removal of estates of minors ;

To repeal sections 1991 and 1992 of the Code, and for other purposes.

The Senate has originated and passed a bill with the following title :

A bill to be entitled an act to provide for the military education of two young men from each county in the State of Alabama,

M. TAUL, Secretary Senate.

### Message from the Governor :

*Mr. Speaker :* His Excellency the Governor has approved bills which originated in the House of Representatives, of the following titles :

An act for the relief of Herbert C. Childress and others ;

An act to compensate bailiffs for Walker county ;

An act to amend the charter of the Montgomery Gas Light Company ;

An act to allow the Commissioner's Court of Roads and Revenue of Perry county to build a bridge across Cahaba River in said county ;

An act for the relief of Mary A. Hammock ;

An act to incorporate the Indian Creek Male and Female Academy in Pike county ;

An act to authorize the completion of the final records of the circuit court of the county of Marengo ;

An act to incorporate the Hook and Ladder Company of the city of Eufaula;

An act to incorporate the Plantersville Institute in Talladega county;

An act to incorporate the Lineville Male and Female Academy in Talladega county;

An act for the relief of Thomas M. Hill and others of Sumter county;

An act to amend an act incorporating the Selma Fire Company;

An act in relation to the fees of justices and constables in beats four and five in the city of Montgomery;

An act to incorporate the Spring Hill Male and Female Academy in Pike county;

An act to appoint commissioners to examine and report the condition of public offices in Marion county;

An act to regulate the time of holding the chancery court in the county of Barbour;

An act for the relief of Sarah Tindel and other persons therein named;

An act to establish a certain ferry therein named in the county of Washington;

An act to repeal an act therein named in reference to appor-tioners in Walker county.

Also, joint resolutions accepting lands donated by Congress to the Elyton and Beard's Bluff Railroad Company;

An act to amend the laws relative to the Mobile Savings Company;

An act to incorporate the Clayton Female College in Barbour county;

An act to authorize Lewis Witherspoon and Cora, free negroes, to become slaves;

An act to authorize the court of county commissioners of the counties of Franklin and Coosa, to make appropriations for the relief of certain persons therein named;

An act for the relief of Reese Price, late of Marengo county.

WATKINS PHELAN, Private Sec'y.

*Mr. Speaker:* I am instructed by His Excellency the Governor, to deliver to the House of Representatives the accompanying communication:

EXECUTIVE DEPARTMENT, }  
Montgomery, Ala., Feb. 11, 1860. }

Gentlemen of the House of Representatives: I beg leave to inform the House of Representatives that J. J. Woodward has



resigned the office of solicitor of the 9th judicial circuit, to take effect on the first day of July next.

It will therefore devolve upon the present General Assembly to elect a solicitor to fill the vacancy that will be created by his resignation.

Respectfully,  
A. B. MOORE.

On motion of Mr. Walker, the House proceeded to consider the bill to loan and appropriate the three per cent. fund and its interest.

Mr. Griffin of Jackson withdrew the motion to indefinitely postpone the bill and amendments.

Mr. Oats withdrew his amendment.

Question then being on the adoption of the amendment of the amendment to the amendment.

Which, on motion of Mr. Hobbs, was laid on the table.

Carried.

Yeas 44, nays 33.

Yeas—Messrs. Abney, Adams, Aldridge, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Hale, Hardwick, Hightower, Hobbs, Hubbard, Irby, Knox, Lloyd, Mabry, Martin, McMurry, Oats, Overall, Ramsey, Shepard, Thomas, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—44.

Nays—Messrs. Bell, Calhoun, Carter, Clapp, Clifton, Coleman, Dark, Ferrell, Fielder, Fountain, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Holley of Covington, Hudgins, Humphries, Jones, Lane, Latham, Lowe, Meadows, Neal, Parsons, Scott, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Walden of Coosa, Warren.—33.

The question then recurred on the adoption of the amendment offered by Mr. Lowe.

Mr. Hobbs moved to lay the amendment on the table.

Carried.

Yeas 49, nays 29.

Ayes—Messrs. Abney, Adams, Aldridge, Bibb, Bowdon, Bradley, Brown of M., Brown of Tuscaloosa, Burgess, Bush, Calhoun, Chambers, Clayton, Clifton, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Hale, Hightower, Hobbs, Hubbard, Irby, Lloyd, Martin, McMurry, Musgrove, Ramsey, Rice, Shep-

ard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—49.

Nays—Messrs. Bell, Carter, Clapp, Dark, Fountain, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Holley of Covington, Huckabee, Hudgins, Humphries, Jones, Lane, Lowe, Meadows, Neal, Parsons, Scott, Seay, Smith of Coosa, Starke, Tait of Wilcox, Walden of Coosa, Warren.—29.

Mr. Lowe offered the following substitute.

### A BILL

To be entitled an act to accommodate the railroad companies of the State.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That* whereas Tennessee and Coosa railroad company wants one hundred and ninety-five thousand three hundred and sixty-three dollars, and the North-East and South-West Alabama railroad wants two hundred and eighteen thousand dollars as a loan for five years, and the Wills Valley railroad company wants a loan for five years of seventy five thousand dollars, and the Alabama and Tennessee Rivers railroad company wants a loan of two hundred and twenty-five thousand dollars, and the Selma and Gulf railroad company wants a loan of forty thousand dollars, and the Mobile and Girard railroad company wants a loan of fifty thousand dollars, and the Opelika and Oxford railroad company wants a loan of twenty-five thousand dollars, and the Montgomery and Eufaula railroad company wants a loan of thirty thousand dollars, and last and most conclusive of all, the Alabama Central railroad company wants a gift of six hundred and sixty-three thousand one hundred and thirty-five dollars. And whereas, the State of Alabama is committed against the policy of lending or giving money to railroad companies, and whereas, there is not enough of the three per cent. fund left to accommodate all these different railroad interests, therefore be it enacted, that the State of Alabama ought to owe and does owe, enough interest on the three per cent. fund, to gratify the demands of all these railroad companies, and that all of these sums except the last-mentioned, be added together to form a sum of the indebtedness of the State to the three per cent. fund.

*Be it further enacted, That* the said fund be loaned and appropriated according to the demands of these companies, as set forth in the first section of this act.

*Provided*, That if the passage of this bill becomes doubtful, the said companies are authorized to increase the amount hereby declared to be due as interest to the three per cent. fund, so as to accommodate other railroad companies or river improvement companies, whose friends will come to the rescue of this bill.

Which substitute, on motion of Mr. Hobbs, was laid on the table.

Yeas 60, nays 18.

Yeas—Messrs. Abney, Aldridge, Bibb, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Chambers, Clayton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Irby, Jack, Jones, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Ramsey, Rice, Shepard, Slater, Smith of Coosa, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—60.

Nays—Messrs. Bell, Bowdon, Carter, Clifton, Dark, Fielder, Hearin of Clarke, Herren of Tallapoosa, Humphries, Lowe, Meadows, Neal, Parsons, Scott, Starke, Tait of Wilcox, Walden of Coosa, Warren.—18.

Mr. Clitherall moved the following amendment:

*Be it further enacted*, That the true meaning of this act shall be, and is to limit and confine the appropriation by this act provided for, to the Tennessee and Alabama Central railroad company, to the balance of the three per cent. fund as specified and stated in the first section of this act, to-wit: the sum of \$663,135 00 and the interest to accrue thereon; and while the State will make the semi-annual payments to said company, provided for in the fifth section of this act, yet if in any case interest shall not be collected by the State, on any of the loans to be made under the provisions of this act to other railroad companies, any loss of interest which may be sustained by failure of the companies to whom loans may be made, or any of them shall be deducted from the said \$663,135 00, and from the appropriation thereof made to the said Tennessee and Alabama Central railroad company; and provided further, that said Tennessee and Alabama Central railroad company shall receive the obligations of the various railroad companies which may be taken for the loans to such companies provided for under this act, if unpaid at the time said Tennessee and Alabama Central railroad company may be authorized to apply for

the appropriation provided for in the eighth section of this act in lieu of money, and in that case the said Tennessee and Alabama Central railroad company shall have the benefit of all the rights, securities and remedies, provided for in relation to the loans authorized to be made to other railroad companies under the provisions of this act, and the State shall not be bound to make good any loss which may be sustained by failure to collect said obligations, or any of them.

Mr. Goldsmith moved to amend the 2d section by striking out the words "50" where they occur in the 10th line, and insert in lieu thereof the words "100."

Sec. — *Be it further enacted*, That the amount loaned to the Mobile and Girard railroad company shall be expended on that portion of the said road from Union Springs to Mobile,—from Union Springs consecutively.

Amend 5th section by striking out the words appropriated, where they occur in the 3d line of said section, and insert in lieu thereof the words: loaned without interest for the term of ten years upon the same security, approved in the same way as other loans to other railroads provided for by the terms of this act.

Amend section eight by striking out appropriation and loans in the 21st line, and insert in lieu thereof the words: loan for the term of ten years without interest upon the same security, to be approved in the same way as the loans made by this act to other companies for construction of railroads.

Laid on the table.

Mr. Irby moved to amend the amendment as follows.

Accepted by Mr. Clitherall:

Sec. 12. *Be it further enacted*, That in case it shall appear that the funds in the Treasury not otherwise appropriated and required to meet other appropriations, shall be insufficient to satisfy the loans and appropriations authorized by this act, at the time the same shall be applied for, the Governor shall have power to direct the amount in the Treasury not required to meet other appropriations, to be distributed *pro rata* among such of said companies as shall apply for the loans and appropriations authorized by this act, and the balance of such loans and appropriations shall be postponed until the amount in the Treasury not required to meet other appropriations, shall be sufficient to satisfy the same. Provided, that the Governor may direct the bonds of the States of North Carolina and Virginia, owned by this State, paid out as cash to such of said companies as may agree to receive the same, or any part, at not less than par in lieu of money, under the provisions of this act.

Which was adopted, together with the amendment of Mr. Clitherall.

Mr. Jack moved to amend the amendment as follows:

That \$25,000 be, and the same is hereby appropriated out of the principal of the said three per cent. fund, to be applied to cleaning out and improving the navigation of Colbert Shoals in the Tennessee River.

Which was laid on the table on motion of Mr. Clitherall.

Mr. Parsons moved to amend the amendment as follows:

Provided, that the interest provided for by this act to be paid semi-annually to the Alabama and Tennessee Central railroad company, shall only be paid out of the interest which is paid into the Treasury by the other companies named in the bill, and in no event shall the State advance said semi-annual interest out of the general assets of the State.

Which was laid on the table.

Yeas—Messrs. Speaker, Abney, Aldridge, Bibb, Bowden, Brown of M., Brown of Tuscaloosa, Burgess, Bush, Chambers, Clapp, Clitherall, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tait of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright and Woods—50.

Nays—Messrs. Bell, Bradley, Calhoun, Carter, Clayton, Clifton, Coleman, Dark, Fielder, Flake, Fountain, Goldsmith, Herren of Clark, Herren of Tallapoosa, Holley of Covington, Huckabee, Humphries, Jones, Knox, Lane, Latham, Lowe, Meadows, Neal, Parsons, Ramsey, Scott, Seay, Smith of Coosa, Starke, Tait of Wilcox, Walden of Morgan and Warren—33.

Mr. Gilchrist moved to amend as follows:

*Be it further enacted*, That the sum of \$25,000 be, and is hereby appropriated, to be paid as hereinafter specified, in six equal semi-annual installments, and to be expended in removing obstructions and improving the navigation of the Tennessee river in that part of said river known as Colbert Shoals. It shall be the duty of the Governor to appoint three discreet and proper persons as commissioners to receive the sum by this section appropriated, and it shall be the business and duty of said commissioners to superintend and direct the disbursements of this appropriation, in such manner as to remove the obstructions created by said shoals, and permanently improve the navigation of said river at such shoals as far as practicable. And it shall be the duty of the Governor to take from said

commissioners before paying over the amount hereby appropriated, a bond, or bonds, for double the amount to be received, with good and sufficient security to be approved by him, payable to the State of Alabama, and conditioned that the sums to be received by them under this act shall be faithfully used and applied in accordance with the provisions and requirements of this section, and it shall be the duty of said commissioners to advertise in such newspapers, and for such length of time as they may deem necessary, to give full notice of the work required to be done, specifying a time and place when sealed proposals for the work required to be done will be opened, and and specifying in the advertisement the amount and character of the work to be done, which work shall be let to the lowest bidder who shall give satisfactory security for the completion of the work required to be done, within a time to be specified in the contract for the same, and it shall be in the contract for the work, that the obstructions in the river at said shoals shall be removed to an extent at least sufficient to admit the passage of light draft steamboats in low stage of the river; and it shall be the duty of the commissioners to require such condition in the contract as will secure the greatest improvement that may be practicable in the navigation of said river at said shoals.

Sec. — *Be it further enacted*, That the said Tennessee and Alabama Central railroad company, by their acceptance of the benefits of this act, shall transport free of charge over their road, all troops of the State, with all equipages and munitions of war, and other property of the State whenever such troops, munitions, &c., shall be employed and required in the service of this State.

Sec. — amend section 5 by striking out and inserting so as to make the section to read as follows:

*Be it further enacted*, That the sum of one hundred and seventy-three thousand nine hundred and forty dollars be, and the same is hereby appropriated to be paid to the Tennessee and Alabama Central railroad company, as follows, to-wit: to be paid in six semi-annual installments of \$15,728 each, for the three first years; and in four semi-annual installments of \$19,893-00, each for the two next succeeding years, so as to make in all 10 semi-annual installments, extending through five years, commencing with and computing from the payment of the first installment to be paid on the conditions hereinafter enacted, to be expended by the said Tennessee and Alabama railroad company, in grading and preparing for the superstructure of that part of this railroad which lies between the town of Decatur and the point of intersection of said railroad with the Alabama

and Tennessee rivers railroad, at or near the town of Montevallo, in Shelby county.

Strike out the word one in section 2, that the sum of \$50,000 of the same fund be loaned to the Mobile and Girard railroad company, and insert in lieu thereof the words, "That the sum of \$25,000 of the same fund be loaned to the Cahaba, Marion and Greensboro railroad company." Strike out the words \$25,000, where they occur next before the words Opelika and Oxford railroad company, and insert in lieu thereof, the words \$50,000.

Sec. — *Be it further enacted*, That the said Tennessee and Alabama Central railroad company shall be bound by their acceptance of the benefits of this act to survey at their own expense, in a thorough and proper manner the Columbus and Tennessee Valley railroad, at such time, and on such route or routes as may be required by the President and Directors of the Columbus and Tennessee Valley railroad company, and make a report of said survey to said President and Directors, as soon as practicable, after the completion of said survey, and failing to make said survey, it shall thereby forfeit all right to the benefit of this act.

Sec. — *Be it further enacted*, That if any of the companies mentioned in the 2nd section of this act, shall fail for six months from the passage of this act to apply for the loans therein disbursed, and to comply with the requirements prescribed in this act, the amount so proposed to be loaned to such company, shall be loaned *pro rata* to the other companies mentioned in section 2, or to such of them as may apply therefor, upon the same terms and conditions as are prescribed in section 3 and 4 of this act; *Provided*, said companies shall apply for the same within 8 months from the passage of this act.

Mr. Clitherall moved to amend the amendment as follows: Out of the interest paid into the treasury by the various railroad companies named in this act to whom the said three per cent fund is loaned to come in after the word "dollars," in the 2nd line of Mr. Gilchrist's amendment.

Which amendment was accepted by Mr. Gilchrist.

Mr. Starke moved to lay the amendment on the table and print 133 copies.

Yeas 21, nays 62.

Lost.

Yeas—Messrs. Bradley, Calhoun, Clayton, Dark, Fountain Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Humphries, Jones, Knox, Latham, Neal,

Seay, Smith of Coosa, Starke, Tait of Wilcox, Walden of Coosa, Warren.—21.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lane, Lesueur, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Musgrove, Oats, Overall, Parsons, Rice, Scott, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—62.

Mr. Rice moved to suspend the rule requiring the House to adjourn at half past 1 o'clock.

Carried.

Yeas 62, nays 20.

Yeas—Messrs. Aldridge, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Jones, Lloyd, Lowe, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Scott, Seay, Shepard, Slater, Tate of Macon, Tait of Wilcox, Thomas, Thornton, Walden of Morgan, Walker, Warren, White, Whitfield, Wright Woods.—62.

Nays—Messrs. Bradley, Calhoun, Clifton, Coleman, Dark, Fielder, Goldsmith, Herren of Tallapoosa, Holley of Covington, Huckabee, Humphries, Knox, Lane, Latham, Meadows, Neal, Smith of Coosa, Starke, Walden of Coosa.—20.

Mr. Goldsmith moved to adjourn until 10 o'clock on Monday.

Lost.

Mr. Clifton moved to adjourn until 3 o'clock P. M.

Lost.

Mr. Holley moved to adjourn until 3 o'clock P. M.

Lost.

Yeas 14, nays 60.

Yeas—Messrs. Bradley, Calhoun, Clifton, Coleman, Dark, Goldsmith, Herren of Tallapoosa, Huckabee, Jack, Meadows, Ramsey, Seay, Smith of Coosa, Starke.—14.

Nays—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess,



Bush, Carter, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Davidson, Davis, Easley, Ferrell, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Irby, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Scott, Shepard, Slater, Tait of Wilcox, Taylor, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.—60.

Mr. Lane moved to amend the amendmendment as follows:

*And provided further*, That the sum of \$75,000 to be deducted from the aggregate amount of the three per cent. fund so appropriated, be, and the same is hereby loaned to the Alabama and Florida railroad company, to be subject to all the restrictions contained in said bill; *Provided, also*, That said railroad company shall take and receive the same in lieu of the lands which have been entered by citizens of this State, and which have been cancelled in consequence of the grant of said lands to said railroad company by the Congress of the United States, conflicting with the said entries; *And provided further*, That so soon as said railroad company shall accept this appropriation, said company shall have all of said cancelled entries reinstated and consent for patents to issue.

Laid on the table.

Mr. Martin moved to lay the amendment of Mr. Lane on the table.

Mr. Tait, of Wilcox, moved to adjourn until half-past 9 o'clock on Monday.

Lost.

Yeas 7, nays 73.

Ayes—Messrs. Coleman, Huckabee, Jack, Knox, Meadows, Smith of Coosa, Starke.—7.

Nays—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Humphries, Irby, Jones, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Slater, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.—73.

The question then recurred on the motion of Mr. Martin to lay the amendment of Mr. Lane on the table.

Yeas 53, nays 20.

Carried.

Yeas—Messrs. Abney, Aldridge, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Latham, Lloyd, Martin, McMurry, Musgrove, Overall, Rice, Shepard, Slater, Tate of Macon, Taylor, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—53.

Nays—Messrs. Speaker, Bell, Calhoun, Clayton, Dark, Fountain, Goldsmith, Herren of Tallapoosa, Holley of Covington, Jack, Lane, Meadows, Neal, Scott, Seay, Smith of Coosa, Starke, Tait of Wilcox, Walden of Coosa, Warren.—20.

Mr. Clayton moved to amend the amendment as follows:

Provided, the amount loaned to the Montgomery and Eufaula railroad by the provisions of this bill shall be applied to that portion of said road between Union Springs and Eufaula.

Laid on the table.

Mr. Cunningham moved to lay the amendment of Mr. Clayton on the table.

Carried.

Yeas 49, nays 23.

Ayes—Abney, Aldridge, Bell, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Clapp, Clifton, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Irby, Latham, Lloyd, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Walden of Morgan, Whitfield, Wright, Woods.—49.

Nays—Calhoun, Carter, Chambers, Clayton, Coleman, Dark, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Huckabee, Jack, Knox, Lane, Meadows, Neal, Scott, Seay, Smith of Coosa, Starke, Tait, of Wilcox, Walden of Coosa, White.—23.

Mr. Herren, of Tallapoosa, moved to amend the amendment as follows:

Provided, that the sum of \$50,000, be deducted from the aggregate amount of the three per cent. fund, that is proposed to be appropriated to the several railroads in the State of Ala-

bama, in proportion to the various amounts, and that the same be, and is hereby appropriated to the Opelika and Talladega railroad company, upon the same terms that is provided in the original bill.

Laid on the table.

Mr. Martin moved to lay the amendment of Mr. Herren of Tallapoosa on the table.

Carried.

Yeas 47, nays 19.

Ayes—Messrs. Abney, Aldridge, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clapp, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs Hubbard, Hudgins, Irby, Latham, Lloyd, Mabry, Martin, McMurry, Oats, Rice, Shepard, Slater, Tate of Macon, Walden of Morgan, White, Whitfield, Wright, Woods.—47.

Nays—Messrs. Bell, Clifton, Coleman, Dark, Fountain, Hearin of Clarke, Herren of Tallapoosa, Huckabee, Jack, Lane, Neal, Parsons, Smith of Coosa, Warren.—19.

Mr. Knox moved to amend the amendment as follows:

*Be it further enacted*, That the sum of \$50,000 shall be loaned to the Mobile and Girard railroad company, for the same time and on the same terms, as the loans to the Alabama and Tennessee rivers railroad company, and to the North-East and South-West railroad company, are authorized to be made by the provisions of this act, and that said sum of \$50,000, shall be applied to the construction of the Mobile and Girard railroad below Union Springs.

Ruled out of order.

Mr. Goldsmith moved to amend the bill, by substitute as follows:

Strike out all after the enacting clause, and insert that the three per cent. fund together with the interest accruing thereon shall be due according to the decision of the supreme court, be, and the same is hereby donated to the Central railroad company.

Mr. Hale moved to lay the substitute on the table.

Carried.

Yeas 58, nays 13.

Ayes—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Calhoun, Chambers, Clapp, Clayton, Clifton, Clitherall, Cowan, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Hightower, Hubbard,

Hudgins, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Starke, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, White, Whitfield, Wright, Woods.

Nays—Messrs. Coleman, Dark, Hearin of Clarke, Herren of Tallapoosa, Huckabee, Jack, Lane, Meadows, Neal, Scott, Seay, Smith of Coosa, Tait of Wilcox.

Mr. Clifton moved to amend the bill by substitute as follows:

Amend by striking out all after the enacting clause and insert the following:

That the whole amount of the 3 per cent. fund, as reported by the joint committee, amounting to the sum of six hundred and sixty-three thousand one hundred and thirty-five dollars, be, and the same is hereby, appropriated as hereinafter specified.

SEC. 2. *Be it further enacted*, That the sum of said fund be, and the same is hereby appropriated to the several counties of this State, to be divided equally amongst the same, as their respective representation.

SEC. 3. *Be it further enacted*, That the court of county commissioners for the several counties of this State be, and they are hereby authorized to draw their warrant upon the comptroller of public accounts, who shall draw his warrant on the State Treasurer, for the amount due each county, as specified in section second of this act, whose duty it shall be to receipt for the same when paid over to them.

SEC. 4. *Be it further enacted*, That the commissioners courts of the several counties in this State be, and the same are hereby authorized and required to apply the aforesaid to the opening of rivers or aiding in the construction of railroads in this State.

SEC. 5. *Be it further enacted*, That the said courts of county commissioners for the several counties of this State be, and the same are hereby authorized to take stock in any railroad company in this State to the amount of their pro rata share of said three per cent. fund.

SEC. 6. *Be it further enacted*, That all the interest accruing from any of the three per cent. fund now loaned, and all the principal when paid in the State Treasury, and the amount accruing from the sale of any public lands in the State, which shall be distributed among the several counties of this State, as provided for in the second section of this act.

Laid on the table.

Mr. Lloyd moved to lay the substitute on the table.

Mr. Tait, of Wilcox, moved to adjourn until one-half past 9 to-morrow.

Lost.

Yeas 12, nays 67.

Yeas—Messrs. Bowden, Bradley, Coleman, Fielder, Huckabee, Knox, Meadows, Parsons, Smith of Coosa, Starke, Tate of Macon, Taylor.

Nays—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Irby, Jack, Latham, Lloyd, Lowe, Mabry, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Shepard, Slater, Tait of Wilcox, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Warren, Whitfield, Wright, Woods.

The question then recurred on the motion of Mr. Lloyd to lay the substitute of Mr. Clifton on the table.

Carried.

Yeas 57, nays 24.

Ayes—Messrs. Speaker, Abney, Aldridge, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clapp, Clayton, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Bell, Calhoun, Carter, Clifton, Clitherall, Coleman, Dark, Fountain, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Holley of Covington, Huckabee, Jack, Knox, Lane, Latham, Meadows, Seay, Smith of Coosa, Starke, Tait of Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Wilcox, Walden of Coosa, Warren.

Mr. Ramsey moved to suspend the rule, requiring the house to adjourn at 5 o'clock.

Carried.

Yeas 61, nays 14.

Yeas—Messrs. Abney, Aldridge, Bell, Bibb, Bradley, Brown of Marion, Bryan, Burgess, Bush, Carter, Chambers, Clapp,

Clayton, Clitherall, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Seay, Shepard, Slater, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, White, Whitfield, Wright, Woods.

Nays—Messrs. Bowden, Calhoun, Clifton, Dark, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Jack, Lane, Scott, Smith of Coosa, Starke, Warren.

Mr. Starke moved to strike out of the first branch of Mr. Gilchrist's amendment \$25,000 to the Opelika and Oxford railroad; \$25,000 to the Cahaba and Marion railroad.

Mr. Gibson moved to lay the motion of Mr. Starke on the table.

A division of the question was called, and the question first was on laying on the table the motion to strike out \$25,000 to the Oxford and Opelika railroad.

Carried.

Yeas 54, nays 21.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Chambers, Clapp, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Parsons, Ramsey, Shepard, Slater, Tate of Macon, Thomas, Walden of Morgan, White, Whitfield, Wright, Woods.  
—54.

Nays—Messrs. Calhoun, Carter, Clayton, Clitherall, Dark, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Jack Jones, Knox, Neal, Scott, Seay, Starke, Tait of Wilcox, Walden of Coosa, Walker, Warren.  
—21.

The question then was on laying on the table the motion to strike out \$25,000 to the Cahaba and Marion railroad.

Laid on the table.

Yeas 54, nays 23.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Burgess, Bush, Chambers, Cooper, Cowan, Cunningham, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard,

Hudgins, Irby, Jack, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Parsons, Ramsey, Rice, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, White, Whitfield, Wright, Woods.—54.

Nays—Messrs. Clayton, Clifton, Clitherall, Coleman, Dark, Fielder, Flake, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jones, Knox, Lane, Neal, Scott, Seay, Starke, Tait of Wilcox, Walden of Coosa, Warren.—23.

Mr. Coleman moved to amend the amendment as follows:

*Be it further enacted*, That the sum of \$50,000 of the three per cent. fund be, and the same is hereby appropriated to the Columbus and Fayetteville railroad, and that the controller of public accounts be, and he is hereby required, to draw his warrant on the state treasurer for the same.

*Be it further enacted*, That the foregoing appropriations to the aforementioned railroads, be reduced *pro rata* to the amount of \$50,000, and that the said Columbus and Fayetteville railroad company shall be under all the restrictions and provisions of the aforesaid roads.

Laid on the table.

Mr. Knox moved the previous question.

Lost.

Yeas 16, nays 66.

Yeas—Messrs. Calhoun, Clayton, Dark, Fielder, Fountain, Goldsmith, Hearin of Clarke, Huckabee, Jones, Knox, Meadows, Neal, Scott, Smith of Coosa, Starke, Warren.—16.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Chambers, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Hudgins, Irby, Jack, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Ramsey, Rice, Seay, Shepard, Slater, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—66.

The question then was on Mr. Coleman's amendment.

Mr. Lloyd moved to lay the amendment on the table.

Carried.

Yeas 43, nays 33.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Bowdon, Brown of Marion, Burgess, Bush, Calhoun, Chambers,

Clifton, Cooper, Cowan, Davidson, Davis, Ferrell, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Marshall, Hale, Hardwick, Hightower, Hobbs, Hubbard, Lloyd, Mabry, Martin, McMurry, Oats, Overall, Rice, Scott, Shepard, Slater, Tate of Macon, Thornton, Walden of Morgan, Wright, Woods.—43.

Nays—Messrs. Speaker, Clayton, Clitherall, Coleman, Dark, Easley, Fielder, Flake, Goldsmith, Griffin of Jackson, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Hudgins, Irby, Jack, Jones, Knox, Lane, Latham, Musgrove, Neal, Ramsey, Seay, Smith of Coosa, Starke, Tait of Wilcox, Thomas, Walden of Coosa, Walker, Warren, Whitfield.—33.

Mr. Davis moved to re-consider the vote just taken.

Mr. Martin moved to lay the motion on the table.

Carried.

The question then was upon the adoption of Mr. Gilchrist's amendment.

Adopted.

Yeas 59, nays 28.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Latham, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.—59.

Nays—Messrs. Bradley, Calhoun, Chambers, Clayton, Coleman, Dark, Fielder, Fountain, Goldsmith, Hearin of Clarke, Holley of Covington, Huckabee, Jack, Jones, Knox, Lane, Lloyd, Meadows, Neal, Parsons, Ramsey, Scott, Seay, Smith of Coosa, Tait of Wilcox, Walden of Coosa, Warren.—28.

Mr. Starke moved to re-consider the vote just taken.

The Speaker, (Mr. Irby in the Chair,) decided the motion out of order.

From which decision Mr. Starke appealed.

The chair was sustained.

Yeas 71, nays 11.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis,



Easley, Ferrell, Flake, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Jack, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Ramsey, Rice, Scott, Shepard, Slater, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.

Nays—Messrs. Calhoun, Coleman, Dark, Fielder, Huckabee, Jones, Meadows, Neal, Seay, Smith of Coosa.

Mr. Holley of Covington, moved to adjourn until 10 o'clock on Monday, and demanded the yeas and nays.

Yeas 10, nays 74.

Yeas—Messrs. Calhoun, Coleman, Dark, Fielder, Hearin of Clarke, Holley of Covington, Knox, Meadows, Smith of Coosa, Starke.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Jack, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Slater, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, Warren, White, Whitfield, Wright, Woods.

Mr. Hobbs moved to amend as follows:

Amend section 9. Insert the words: "or the act of Feb. 13, 1854," between the words: "this act," and the words: "relating to said companies."

Mr. Seay moved to lay the amendment on the table.

Lost.

Yeas 20, nays 64.

Yeas—Messrs. Calhoun, Coleman, Fielder, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jones, Knox, Lane, Meadows, Neal, Ramsey, Seay, Smith of Coosa, Starke, Tait of Wilcox, Warren.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower,

Hobbs, Hubbard, Hudgins, Irby, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Parsons, Rice, Scott, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

The amendment was then adopted.

Mr. Hearin of Clarke, moved to amend the 7th section by adding: that \$100,000 of the three per cent. fund be, and is hereby given to the Uniontown and Point Jackson railroad.

Mr. Hobbs moved the previous question on ordering the bill to a third reading forthwith.

Mr. Holley of Covington, moved to adjourn until 9½ o'clock Monday morning.

Lost.

The question then was on the motion of Mr. Hobbs for the previous question, and the previous question was sustained.

Yeas 59, nays 26.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Flake, Forney, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Latham, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

Nays—Messrs. Bell, Calhoun, Carter, Clayton, Coleman, Dark, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jack, Jones, Knox, Lane, Meadows, Neal, Parsons, Ramsey, Scott, Seay, Starke, Tait of Wilcox, Walden of Coosa, Warren.

The amendment of Mr. Hearin of Clarke, was cut off by the previous question being sustained.

The question being upon ordering the bill to a third reading.

Yeas 55, nays 26.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowdon, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

Nays—Messrs. Bradley, Calhoun, Carter, Clayton, Coleman, Dark, Flake, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jack, Jones, Knox, Lane, Meadows, Neal, Parsons, Ramsey, Seay, Starke, Tait of Wilcox, Walden of Coosa, Warren.

The bill was read a third time.

Mr. Walden of Coosa, moved to amend by way of engrossed ryder as follows:

*Be it further enacted*, That certificates of stock in favor of the State of Alabama, payable to the Governor and his successors in office, for the amount of money received of the three per cent. fund by said company, said stock or certificates to be under the direction of the legislature.

*Be it further enacted*, That the legislature shall appoint three commissioners, whose duty it shall be to vote in the election of officers and in all other business when it shall become necessary in the construction and management of said road.

*Be it further enacted*, That no liability for damages upon the part of the State on contracts entered into by said company shall be binding upon the State without the consent and direction of the legislature.

Mr. Huckabee read from the clerk's desk the following amendment, which was cut off by the previous question:

Amend the 1st section by striking out six hundred and sixty-three thousand one hundred and thirty-five dollars, and insert in lieu thereof forty-one thousand one hundred and thirty-three 45-100 dollars.

Mr. Bowdon moved the previous question on the passage of the bill.

Sustained.

Yeas 57, nays 26.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Flake, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

Nays—Messrs. Calhoun, Carter, Clayton, Clitherall, Coleman, Dark, Fielder, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jack, Jones,

Knox, Lane, Latham, Neal, Parsons, Ramsey, Seay, Starke, Tait of Wilcox, Walden of Coosa, Warren.

The house granted leave to Mr. Cooper to state his reasons for the vote he had given upon the journal.

The bill passed.

Yeas 55, nays 28.

Yeas—Messrs. Speaker, Abney, Adams Aldridge, Bibb, Bowden, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, White, Whitfield, Wright, Woods.

Nays—Messrs. Bradley, Calhoun, Carter, Chambers, Clayton, Coleman, Dark, Fielder, Flake, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Jack, Jones, Knox, Lane, Latham, Neal, Parsons, Ramsey, Seay, Starke, Tait of Wilcox, Walden of Coosa, Warren.

Mr. Bowden moved to reconsider the vote first taken, and to lay that motion on the table.

Mr. Irby moved to adjourn until 9½ o'clock on Monday.

Carried.

MONDAY, Feb. 13, 1860.

House met pursuant to adjournment.

The journal was read and approved.

Leave of absence was granted to Mr. Taylor.

Mr. Jack said when the yeas and nays were called on Saturday upon the Colbert Shoals amendment to the three per cent bill, and when my name was called I asked to have the amendment read, not having previously heard it, which was refused by the house. I therefore voted no. As I should have voted for said amendment if it had been read, I therefore desire now to have my vote recorded in favor of said amendment.

Mr. Smith, of Lauderdale, wished to record his vote in favor of the amendment of the Colbert Shoals, and against the bill.

Messrs. Smith of C., Bowden, and Lowe, recorded their votes against the bill to loan and appropriate the three per cent. fund and its interest, by leave of the house.

The question being before the house to lay the motion to re-

consider the vote by which the bill to loan and appropriate the three per cent. fund and its interest was passed, on the table.

Carried.

Yeas and nays were called by Mr. Parsons, and seconded by Mr. Holley, of Covington.

Yeas 54, nays 25.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bibb, Bowden, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Musgrove, Oats, Overall, Rice, Shepard, Slater, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Bell, Bowen, Calhoun, Carter, Clayton, Coleman, Dark, Fountain, Goldsmith, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Latham, Lowe, Meadows, Neal, Parsons, Ramsey, Scott, Seay, Smith of Coosa, Smith of Lauderdale, Starke, Tait of Wilcox, Warren.

#### PROTEST.

The undersigned members of the House of Representatives of the State of Alabama, at the session commencing in November, 1859, *protest* against the passage of "A bill to be entitled an act to loan and appropriate the three per cent. fund and its interest."

1. Because it is unjust to make the people of this State pay interest on that fund to the amount of over six hundred and twenty thousand dollars.

2. Because the appropriation of this large sum at this time to that purpose will render it necessary to extend the time for paying our foreign debt, or to increase the tax bill.

3. Because the bill *gives* this sum with its interest for five years at 6 per cent. to the Central Railroad company; while all the other companies under its provisions only get portions of the fund as a loan, at the rate and for the time aforesaid. This is unjust to all parties, except the stock-holders in the Central Railroad, and especially unjust to those companies which are excluded altogether.

4. Because in our judgment if this question was fully and fairly presented to the people of this State, they would never consent to give this large sum, amounting with its five years'

interest, to the sum of \$862.075 50-000, to the stock-holders in the Central Railroad, or any other company.

5. Because it results in an abandonment of what has been regarded as the settled policy of this State for the last fifteen years, viz.: to pay the bond debt as fast as the bonds matured; and for this purpose the people have patiently and cheerfully borne up under the burden of our present tax law in the confident hope that the period was not far distant when it could be at least lightened, if not altogether removed, without detriment to the honor and interest of the State.

6. Even if we were all in favor of the passage of a bill appropriating the three per cent. fund, we would feel ourselves bound to oppose this bill, because its passage is about to be effected by a combination of certain railroad interests; a combination not only powerful to-day, but if not checked, fearful in its threatenings to the future legislation of the State.

7. Because some of us believe that it is our imperative duty to retain in the Treasury whatever amount may remain after defraying the necessary expenses of the State government, in order that the State may be prepared for any emergency which we are at least justified in fearing may arise.

For these reasons, and others which might be enumerated, we do hereby solemnly protest, not only against the bill as originally reported to this house, but against its passage with the amendments which have been adopted by the consent of the friends of the bill; and we request that this, our protest, may be entered on the Journal February 13, 1860.

|                         |                            |
|-------------------------|----------------------------|
| S. S. Scott,            | H. D. Smith,               |
| Lewis E. Parsons,       | A. L. Neal,                |
| Alfred Holley,          | Charles Carter,            |
| M. C. Lane,             | John T. Bell,              |
| W. P. Jack,             | J. B. Goldsmith,           |
| A. J. Coleman,          | Felix Tait,                |
| W. W. Meadows,          | O. P. Dark,                |
| Noah Fountain,          | Jonatham Latham,           |
| A. W. Starke, of Pike,  | W. J. Hearin, of Clarke,   |
| R. W. Huckabee,         | Elisha Calhoun,            |
| F. Jones,               | Jeptha Seay,               |
| W. B. Bowen, of Barb'r, | Alexander Smith, of Coosa, |
| A. S. C. Herren,        | Jeremiah Warren,           |
| Robert J. Lowe,         | O. F. Knox,                |
| Henry D. Clayton,       | J. J. Holley.              |

Mr. Walker moved that the house take up and consider the bill for the improvement of the bay and harbor of Mobile.

Mr. Lowe moved to amend the motion by taking up the senate resolutions to adjourn on the 17th inst.

The question first was on the motion of Mr. Walker, and the same prevailed.

The question then being on the motion of Mr. Lowe, which motion was laid on the table, on a motion of Mr. Starke.

Yeas 49, nays 31.

Ayes—Messrs. Speaker, Aldridge, Bowen, Bowden, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Chambers, Clayton, Clitherall, Cooper, Cunningham, Davis, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Marshall, Hale, Hardwick, Herman, Hightower, Hobbs, Hubbard, Hudgins, Irby, Lloyd, Mabry, Martin, McMurry, Oats, Overall, Rice, Shepard, Slater, Starke, Tate of Macon, Thomas, Walden of Morgan, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Abney, Bell, Calhoun, Carter, Coleman, Cowan, Dark, Davidson, Fountain, Goldsmith, Griffin of Jackson, Hearin of Clarke, Herren of Tallapoosa, Holley of Covington, Huckabee, Lane, Latham, Lowe, Meadows, Musgrove, Neal, Parsons, Ramsey, Scott, Seay, Smith of Coosa, Smith of Lauderdale, Tate of Wilcox, Thornton, Warren.

Mr. Smith, of Lauderdale, moved to strike out the 7th section of the substitute.

Mr. Clitherall moved to lay the amendment to the substitute on the table.

Yeas 46, nays 23.

Carried.

Ayes—Messrs. Speaker, Aldridge, Bowen, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clitherall, Cooper, Cunningham, Davidson, Davis, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Huckabee, Irby, Mabry, McMurry, Musgrove, Overall, Ramsey, Rice, Seay, Shepard, Slater, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright Woods.

Nays—Messrs. Adams, Calhoun, Carlisle, Coleman, Cowan, Fountain, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Hudgins, Knox, Latham, Lloyd, Lowe, Meadows, Neal, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Warren.

The substitute was then adopted.

Yeas 50, nays 26.

Yeas—Messrs. Speaker, Aldridge, Bowen, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clitherall, Cooper, Cunningham, Davidson, Davis, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Huckabee, Irby, Mabry, McMurry, Musgrove, Overall, Ramsey, Rice, Seay, Shepard, Slater, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright Woods.

Carter, Chambers, Clapp, Clifton, Clitherall, Cooper, Cunningham, Davidson, Davis, Easley, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hearin of Clarke, Hightower, Hobbs, Hubbard, Huckabee, Irby, Mabry, McMurry, Musgrove, Overall, Ramsey, Rice, Shepard, Slater, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright, Woods.—50.

Nays—Messrs. Adams, Brooks, Calhoun, Carlisle, Coleman, Dark, Fountain, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Herman, Holley, of Covington, Hudgins, Knox, Latham, Lloyd, Lowe, Meadows, Neal, Oats, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Warren.—26.

Mr. Hobbs moved the previous question.

Carried.

The bill was read third time and passed.

Yeas 45, nays 34.

Yeas—Messrs. Speaker, Aldridge, Bowen, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clayton, Clitherall, Cooper, Cunningham, Davidson, Davis, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale, Hearin of Clarke, Hightower, Hobbs, Hubbard, Huckabee, Irby, Mabry, McMurry, Musgrove, Overall, Ramsey, Rice, Shepard, Slater, Starke, Tate of Macon, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Woods.—45.

Nays—Messrs. Adams, Bell, Bibb, Brooks, Calhoun, Carlisle, Carter, Clapp, Clifton, Cowan, Dark, Fountain, Goldsmith, Griffin of M., Griffin of J., Hardwick, Herren of T., Herman, Holley of Covington, Hudgins, Jack, Knox, Latham, Lloyd, Lowe, Martin, Meadows, Neal, Parsons, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Warren, Wright.—34.

And was ordered forthwith to the Senate.

Message from the Senate by Mr. Taul.

Senate, Feb. 13, 1860.

Mr. Speaker: The Senate has originated and passed bills with the following titles:

To incorporate Hamner hall, a female seminary, in the county of Montgomery;

To divide Valley beat, in Pike county into two beats;

To incorporate the Alabama sewing machine company;

To incorporate the Southern express company;

To revive an act to incorporate the Eagle railroad and lumber company, approved the 17th of December, 1836, and for other purposes;



To revive and continue in force an act to incorporate the Mobile live stock, and general insurance company, approved 20th December, 1851, as amended by an act entitled an act to alter and amend an act to incorporate the Mobile live stock and general insurance company, approved December 20th, 1851, approved 12th Dec., 1853.

To amend an act incorporating the Bellville male and female academy, approved Feb. 13th, 1854;

To declare Bassetts creek, in the county of Washington, a public highway;

To authorize Wm. Taylor, T. M. Gilmer, jr. and William Fowler, and others to establish a ferry across the Alabama river, at Montgomery.

Has passed House bills :

To authorize the issue of letters testamentary without bond, in a certain case therein named ;

To authorize the probate court of Russell county to sanction and confirm a division of the slaves belonging to the estate of Mathew Averett, deceased ;

To authorize the issuance of a patent to Eli S. Thornton, for 16th section lands, in Choctaw county ;

To authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes ;

To repeal an act therein named ;

To authorize John Holley of Coffee county, to establish a bridge or ferry in said county ;

To incorporate sundry volunteer companies ;

To incorporate the Mobile Magnolia Association, and to amend an act entitled an act to authorize the construction of a plank or shell road along the bay of Mobile, approved February 10th, 1854, and the amendments thereof approved Jan. 6th, 1856, and Jan. 20th 1854 ;

To incorporate the Mobile Hebrew relief association ;

To amend the charter of the Mobile marine dock and mutual insurance company ;

To incorporate Woodlawn female institute, in the county of Macon.

Has amended and passed the House bills :

To give to the intendant of Orion, justices jurisdiction, and for other purposes ;

To amend section 1413 of the Code of Alabama, and to allow the defendants in certain cases to prove offsets ;

To prohibit the sale of vinous or spirituous liquors, at or within one mile of the town of Centre, in Cherokee county.

The Senate concurs in the report, and has adopted the

amendments proposed by the committee of conference to the bill to incorporate the Alabama Baptist State convention ;

And has originated and passed the bill to amend the charter of the town of Marion ;

To amend sections 383 and 384 of the Code of Alabama, fixing the university fund and establishing a military department in said university.

The Senate has adopted the following resolution :

*Resolved by the Senate*, (the House of Representatives concurring) That the two Houses will meet in the hall of the House on Thursday next, at 12 o'clock, for the purpose of electing a solicitor of the 9th judicial circuit, made vacant by the resignation of Hon. J. J. Woodward.

M. TAUL, Secretary Senate.

Message from the Governor by Mr. Phelan.

Mr. Speaker: His Excellency the Governor has approved a bill which originated in the House of Representatives, entitled an act to incorporate the Bank of Alabama, and for other purposes.

WATKINS PHELAN, Private Secretary.

When the hour of half past 1 arrived, and the House stood adjourned until 3 o'clock P. M.

AFTERNOON SESSION, Feb. 13, 1860.

House met pursuant to adjournment.

Leave of absence was granted to Messrs. White and Humphries.

On motion of Mr. Scott, the House took up his resolution requiring the House to meet at 10 o'clock, A. M., and adjourn at 3½ o'clock, and rescinding the rule of the House to have two sessions per day.

Mr. Walker moved to strike out all after the word "ten."

Mr. Griffin, of Marshall, moved to lay the whole subject on the table.

Carried.

Mr. Irby moved that the House now consider the Senate resolution bringing on the election for solicitor in the 9th judicial circuit.

Carried.

Mr. Irby moved to amend the resolution by adding the trus-

tees of the university to be elected at this session, the Quartermaster and Adjutant Generals.

Adopted.

The resolution was then adopted as amended.

Mr. Irby, from committee of conference, reported amendments to the bill to incorporate the Alabama Baptist State Convention.

Mr. Hale moved to lay the amendments of the committee on the table.

Carried.

Mr. Abney asked to record his vote in favor of the passage of the bill for the improvement of the bay and harbor of Mobile—granted.

Mr. Bowen, from select committee, reported bill to the House to change the county line between the counties of Barbour and Pike, and asked to be discharged from the further consideration of the same—granted.

Mr. Goldsmith moved to lay the bill on the table, and the motion prevailed.

Mr. Shepard offered rule :

*Resolved*, That from and after this day, so much of the rule of this House as requires it to adjourn at 5 P. M., is hereby rescinded.

Lays over one day under a rule of the House.

#### REPORTS FROM COMMITTEE ON WAYS AND MEANS.

Mr. Walden, of Morgan, reported a substitute to the bill for the relief of the securities of C. S. Collins, deceased, late tax collector of Choctaw county ;

Which substitute was adopted, read third time and passed.

Mr. Walden of Morgan, from same committee, reported favorably to the bill to increase the fees of coroners ; which was read a third time forthwith and passed.

Mr. Walden of Morgan, from same committee reported favorably to the Senate bill to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama.

Mr. Meek, (Mr. Irby in the chair), moved to amend as follows : by inserting authors or their agents, in the 2nd section of the bill, after the word booksellers.

Adopted.

Mr. Clitherall moved to amend as follows : That the provisions of this act shall apply to the venders of patent medicines.

Mr. Forney moved to lay the amendment on the table.

Carried.

Mr. Chambers moved to amend as follows: Strike out the words "one hundred" and insert "twenty-five."

Mr. Oats moved to amend amendment by inserting the word "fifty."

Question was first on striking out, and the House refused to strike out.

Mr. Speaker, (Mr. Irby in the chair), moved to lay the bill on the table.

Carried.

The hour of 5 o'clock arrived, and the House stood adjourned until 9½ o'clock to morrow.

TUESDAY, 14th Feb., 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Speaker laid before the House a record of divorce, which was referred to committee on divorce and alimony.

Mr. Clitherall presented an account which was referred to committee on accounts and claims;

Also a petition, which was referred to the judiciary.

Mr. Parsons offered a memorial, which was adopted, of the General Assembly, to the Congress of the United States.

Mr. Gilchrist moved to reconsider the vote laying on the table, the amendment of the committee of conference on the bill to incorporate the Alabama Baptist State convention.

Reconsidered.

Yeas 49, nays 25.

Ayes—Messrs. Adams, Bell, Bowen, Bowdon, Bradley, Brooks, Brown of Tuscaloosa, Bush, Carter, Chambers, Clayton, Clifton, Coleman, Cooper, Cowan, Davidson, Easley, Ferrell, Fielder, Flake, Fountain, Gilchrist, Griffin of Jackson, Hardwick, Hearin of Clarke, Herman, Hightower, Huckabee, Hudgins, Irby, Jack, Knox, Mabry, Martin, McMurry, Neal, Oats, Parsons, Ramsey, Say, Shepard, Tate of Macon, Tait of Wilcox, Thornton, Walden of Morgan, Walker, Warren, Whitfield, Woods.—49.

Nays—Messrs. Speaker, Abney, Aldridge, Bibb, Brown of Marion, Bryan, Calhoun, Clapp, Clitherall, Davis, Forney, Gibson, Griffin of Marshall, Hale, Herren of Tallapoosa, Hubbard, Latham, Meadows, Musgrove, Overall, Smith of Coosa, Smith of Lauderdale, Starke, Thomas.—25.

The question then was on laying the amendment of the committee of conference on the table.

Mr. Griffin, of Marshall, moved to postpone the further consideration of the question until Tuesday at 11 o'clock.

Lost.

The question then was on laying the amendment on the table.

Lost.

The amendment was then adopted.

Yeas 49, Nays 28.

Ayes—Messrs. Adams, Bowdon, Bradley, Brooks, Brown of Tuscaloosa, Bush, Carlisle, Carter, Chambers, Clifton, Coleman, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Easley, Ferrell, Fountain, Gilchrist, Goldsmith, Griffin of Jackson, Hardwick, Hearin of Clarke, Hightower, Huckabee, Hudgins, Irby, Knox, Martin, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Morgan, Walker, Whitfield, Wright.—49.

Nays—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowen, Brown of Marion, Calhoun, Clapp, Clayton, Clitherall, Flake, Forney, Gibson, Griffin of Marshall, Hale, Herman, Hobbs, Holley of Covington, Hubbard, Latnam, Lowe, McMurry, Meadows, Slater, Smith of Coosa, Smith of Lauderdale, Thomas, Warren.—28.

Mr. Hale, from committee of conference, reported as follows:

The committee of conference on the part of the two Houses, in relation to a bill to be entitled an act to re-organize and fix the time of holding the courts of chancery in the middle chancery division, and the Senate amendment thereto, have had the same under consideration, and recommend that the House concur in the Senate amendment.

S. F. HALE.

Message from Senate by Mr. Roberts.

SENATE, Feb. 14, 1860.

*Mr. Speaker:* The Senate has originated and passed bills with the following titles:

To incorporate the Warrior Guards, in the city and county of Tuscaloosa;

To compensate C. F. Lewis, sheriff of Macon county, for services rendered;

To authorize process of garnishment to issue against the State, in certain cases;

To amend the law authorizing suits to be brought by, or against married women;

To amend an act, entitled an act to fix the mode of convey-

ing the estate of husband and wife, and for other purposes, approved February 8th, 1858;

To exempt persons exhibiting shows on the fair grounds of the Alabama State Agricultural Society, during their annual fairs, from certain penalties;

To incorporate the Mobile turner community;

To incorporate the mechanics' aid association of Mobile;

For the benefit of Robert Lewis, of Greene county;

To incorporate the Marion Insurance and Trust company;

For the relief of the administrator of Jacob Mitchell, deceased;

To incorporate the Opelika Insurance company;

For the relief of Robert Curtis, of the county of Choctaw;

To amend section 3256 of the Code;

Defining the boundaries of a new election precinct in the county of Randolph, and for other purposes;

For the relief of Lewis Dolin, tax assessor, of Baldwin county;

To incorporate the Eufaula Marine and Fire Insurance company;

To prevent the sale of spirituous liquors within two miles of Columbian Institute;

To compensate jailors for the care of prisoners who have escaped;

To authorize the Secretary the better to preserve the State capitol;

To amend section 499 of the Code, so far as Lauderdale county is concerned;

To prevent sickness by the accumulation of stagnant water, caused by excavations and embankments of railroads;

To amend the charter of the Cahaba, Marion and Greensboro railroad company;

To change the boundary line between the counties of Monroe and Clarke;

To loan a part of the three per cent. fund to the Union Town and Jackson, Selma and Gulf railroad, and Cahaba, Marion and Greensboro railroad companies;

To incorporate the Alabama Insurance and Exchange company at Tuskegee, and other insurance companies therein named;

To allow creditors without liens to file bills for the collection of debts in certain cases.

Has passed House bills, with the following titles:

To provide for the payment of detached halves of bank bills issued by the bank of the State of Alabama and branches;

To incorporate Pine Grove church in Barbour county;

To amend the charter of the town of Dayton, in Marengo county;

To incorporate the Greenville Female College ;  
 To exempt justices of the peace and constables from working on roads in Randolph county, Alabama ;

To authorize the judges of probate of the different counties of this State, to issue attachments in certain cases ;

For the relief of Daniel G. Mays, tax collector of Greene county ;

Amendatory of an act to locate the seat of justice in Jackson county, approved December 17th, 1859 ;

To amend the law relative to the unlawful detainer of lands ;

To amend section 3254 of the Code of Alabama ;

To prevent Homicides ;

To re-enact an act, &c. ;

To authorize the owners of steam grist-mills in the county of Jackson, to take the sixth as toll for grinding ;

To amend an act therein named, in regard to the court of county commissioners of Limestone county ;

To amend section 2138 of the Code, so as to allow the State to be sued in chancery ;

To enable M. M. George, to remove her infant ward, A. Elerbee English, beyond the limits of this State ;

To authorize the probate judge of Madison county to act as guardian in a certain case ;

To protect females from insult and injury at public assemblages ;

To regulate the taking of affidavits in aid of judicial proceedings ;

To authorize the probate court to grant an order to lease lands in certain cases ;

To authorize the executrix of William Robinson ; also, the administrator of Robert Coles, to keep together the estates of their respective decedents, and for other purposes ;

To authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilcox to the county of Mobile.

SENATE, Feb. 14, 1860.

*Mr. Speaker :* The Senate has passed the House bill, with the following title :

To amend the law in relation to appeals.

Has also originated and passed bills with the following titles :

To incorporate the Randolph mining, manufacturing and transportation company ;

To incorporate the Bienville hotel company of Mobile ;

For the relief of the next of kin of Joseph Ritter, deceased, late of Montgomery county ;

Has amended, as therein shown, and passed the House bill, to incorporate the Troy railroad company.

M. TAUL, Secretary Senate.

#### REPORT OF JOINT COMMITTEE.

The joint committee to which was referred the report of John Whiting, commissioner and trustee, has had the same under consideration, and instructed me to report—

That they have examined his account of the receipts and disbursements of money, since his settlement with the committee of the last session of the General Assembly, and found it correct.

The account was examined in detail and each item versified by a proper voucher or satisfactorily explained.

The committee examined and counted the bonds purchased and redeemed by him since the last session, and found them to agree with the statements in his biennial report, and also the bonds redeemed by the Bank of Mobile and delivered to him, (\$600,000,) which were issued for the two-fifths capital stock formerly owned by the State in said bank.

The committee concur in the recommendation of the commissioner, to appoint an agent to collect from the general government the amount retained on the claim of the State against the Republic of Texas.

The sixth section of the act of Feb. 6, 1858, provided that the commissioner and trustee should receive for his services such compensation as might be fixed by the present General Assembly. The committee bear cheerful testimony to the faithful, able and efficient manner in which the commissioner has discharged the very delicate and responsible duties confided to him, and recommend that his salary for the two years past and the two next succeeding, be fixed at two thousand dollars per annum.

The committee also recommend the continuance of the commissioner and trustee for the purposes heretofore employed and such other duties as may be imposed upon him by the present General Assembly, and to carry out the recommendations contained in this report the committee instruct me to report the accompanying bill to the House and recommend its passage.

N. L. WHITFIELD, Chairman,

On the part of the House.

R. JEMISON, Jr., Chairman,

On the part of the Senate.

The bill to continue the office and trustee, and for other pur-



poses, was read the first, second and third times, under a suspension of the rule and passed.

Mr. Oats recorded his vote no, upon the passage of the bill for the improvement of the bay and harbor of Mobile.

Mr. Clayton moved to suspend the business before the House to take up and consider the bill to provide for an efficient military organization of the State of Alabama.

Mr. Lowe moved to amend the motion of Mr. Clayton by taking up the resolution of the Senate to adjourn on the 17th instant.

The question first was, on a suspension to take up the bill to provide for an efficient military organization for the State of Alabama. Carried.

The question then was, on a suspension to take up the Senate resolution to adjourn on the 17th instant.

Lost.

The bill to provide for an efficient military organization for the State being before the House, the question was on the amendment of Mr. Hale.

The hour of 12 o'clock arrived, when Mr. Clayton moved to suspend all special orders to proceed with the bill under consideration.

Mr. Starke called the yeas and nays on suspension. Carried.

Yeas 52, nays 22.

Yeas—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brooks, Brown of Marion, Bryan, Bush, Calhoun, Cariusle, Carter, Chambers, Clapp, Clayton, Clitherall, Coleman, Cunningham, Easley, Flake, Forsyth, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Latham, Lowe, Mabry, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walker, Warren, Whitfield, Woods.—52.

Nays—Messrs. Aldridge, Bibb, Clifton, Cowan, Dark, Davidson, Ferrell, Fountain, Gibson, Hardwick, Hearin of Clarke, Herman, Hightower, Knox, Lloyd, McMurry, Meadows, Smith of Coosa, Starke, Taylor, Thornton, Wright.—22.

Mr. Brown of Marion moved to amend as follows :

*Provided*, That no part of this fund shall be used except in case of invasion, insurrection, or hostilities, or the strong probability thereof.

Mr. Hale moved to lay the amendment on the table.

Carried.

Yeas 50, nays 25.

Yeas—Messrs. Adams, Bell, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Calhoun, Carter, Chambers, Clayton, Clitherall, Coleman, Cunningham, Dark, Fielder, Flake, Forney, Forsyth, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Hubbard, Huckabee, Hudgins, Irby, Knox, Lowe, Mabry, Martin, Meadows, Neal, Overall, Ramsey, Rice, Scott, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walker, Warren, Whitfield, Wright, Woods.—50.

Nays—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Burgess, Bush, Clapp, Clifton, Cowan, Davidson, Davis, Ferrell, Gibson, Hardwick, Hightower, Holley of Covington, Latham, Lloyd, McMurry, Musgrove, Seay, Smith of Coosa, Starke, Taylor, Thornton.—25.

Mr. Clitherall moved to amend as follows:

Strike out all after the word "fund" in the thirteenth line and thirteenth section, and insert the words "provided for in this act."

Which was pending when 1½ o'clock arrived and the House stood adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION, Feb. 14, 1860.

House met at 3 o'clock P. M.

Leave of absence was granted to Messrs. Lane, Jones and Jack.

#### REPORTS FROM COMMITTEE ON WAYS AND MEANS.

Mr. Irby reported favorably on the Senate bill to increase the salaries of chancellors in the middle and northern chancery divisions.

Which bill, on motion of Mr. Starke, was laid on the table.

Yeas 46, nays 28.

Yeas—Messrs. Abney, Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Coleman, Cowan, Cunningham, Dark, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Humphries, Knox, Latham, Lloyd, Lowe, McMurry, Meadows, Musgrove, Oats, Seay, Smith of Coosa, Starke, Thomas, Thornton, Walden of Coosa, Warren, Wright.—46.

Nays—Messrs. Speaker, Adams, Bowen, Bowdon, Bryan, Clitherall, Cooper, Davidson, Davis, Easley, Forney, Hale, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Overall,

Parsons, Ramsey, Scott, Shepard, Tate of Macon, Tait of Wilcox, Walden of Morgan, Whitfield, Woods.—28.

The following bills were reported favorably on, read the third time forthwith and passed:

Mr. Bowen: for the relief of Eli S. Shorter, B. F. Theadwell, and other persons therein named;

Also, to consolidate the offices of tax collector and assessor in Shelby county;

Mr. Hardwick: requiring the presentation of claims vs. The County of Dale;

Mr. Bowen reported a substitute for the bill to prevent the people of this State from the payment of double taxes in certain cases.

Adopted.

Read a third time forthwith and passed.

Mr. Irby reported adversely to House amendments to Senate bill to authorize the commissioners' courts in the several counties in this State, to compensate physicians for attending to cases of small-pox in certain cases, and favorably to the bill;

The report was concurred in.

Mr. Goldsmith moved to lay the bill on the table;

Carried.

#### REPORTS FROM CORPORATION COMMITTEE.

The following bills were reported favorably on, read the third time forthwith and passed:

Mr. Hale: to incorporate a cemetery in Tuscaloosa county;

To incorporate the Southern Fire Arms company;

To incorporate the town of Oxford in Calhoun county;

To amend the charter of the Alabama and Georgia railroad company, approved Jan. 19, 1850;

To incorporate Haw Ridge Academy;

To amend and extend the charter of the East and West Alabama railroad company;

Also, that of the Wetumpka and Montevallo railroad company;

To incorporate the Montgomery plantation goods manufacturing company.

To incorporate the Montgomery mining and manufacturing company—mines located in Talladega county, Alabama;

Mr. Bell: to incorporate the male and female academy in Walker county.

Mr. Hale reported favorably on the bill to incorporate the Cahaba insurance company.

Mr. Clitherall moved to amend as follows:

Provided, That said company shall not be authorized to pay out the bills of any bank not incorporated by the State of Alabama, or doing business under the authority of the free banking law of the State of Alabama; and if said company, by its officers or agents, shall so pay out any such foreign bills or notes, the said payment shall operate as a forfeiture of its charter.

Adopted.

The bill was read third time and passed.

Mr. Hale reported favorably on the bill to incorporate the Grove Mills male and female academy;

Which, on motion of Mr. Abney, was laid on the table.

Mr. Hale, from committee on corporations, reported as follows:

The committee on corporations, to whom was referred a petition of sundry citizens residing in the town of Greensboro and vicinity, praying for the passage of an act authorizing the proprietors of the Greensboro hotel to retail spirituous liquors, and to that extent modifying the provisions of an act of the legislature passed 25th January, 1856;

To incorporate the Southern University, so far as it prohibited the sale of spirituous liquors within five miles of the town of Greensboro; and

Also, a counter petition, signed by sundry citizens of said town and vicinity;

Have had the same under consideration, and instruct me to report to this House that it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the subject.

S. F. HALE.

Mr. Hale reported that it was inexpedient to legislate upon the subject of repealing section 37 of an act to incorporate the Planters' Factory, at Autaugaville.

Concurred in.

Mr. Hale reported an amendment to the bill to amend an act to incorporate the town of Union Springs.

The amendment was adopted; bill read third time forthwith and passed.

Mr. Hale reported favorably on the bill to amend the charter of the Wetumpka insurance company.

Mr. Clitherall moved to amend as follows:

Provided, That said company shall not be authorized to pay out the bills of any bank not incorporated by the State of Ala-

bama, or doing business under the authority of the free banking law of Alabama; and if said company, by its officers or agents, shall violate the provisions of this section, and pay out such bills or notes, the same shall operate as a forfeiture of its charter.

Postponed, on motion, until the military bill is disposed of; then to be taken up and acted on, with similar bills of same sort.

Mr. Hale reported back house bill relating to incorporated companies, and recommended that it be laid on the table, as a Senate bill of the same character had heretofore been reported by the committee.

Concurred in.

Mr. Hale reported adversely to the bill to amend an act to incorporate the East Alabama male college, at Auburn.

Mr. Cunningham moved to lay the report on the table.

Carried.

The bill was read third time forthwith and passed.

Mr. Hale reported adversely to bill to incorporate the Neesobulga male and female academy, in Randolph county.

Concurred in.

Mr. Bell reported a bill in accordance with a petition to incorporate mud creek camp ground, in Cherokee county, which was read first, second and third times under suspension of the rule and passed.

Mr. Lowe, from select committee, reported a bill to prevent the sale of spirituous liquors within certain limits in the county of Madison, which was read first, second and third times under a suspension of the rule, and passed.

Mr. Lowe, from committee, reported favorably on the bill to prevent the sale of spirituous liquors within three miles of the town of Travna, which was read third time forthwith and passed.

Mr. Shepard moved to take up the rule offered by himself on yesterday.

Carried.

Mr. Chambers moved the previous question.

Sustained.

The resolution was adopted.

Mr. Bell, from corporations, reported a substitute for the bill to repeal section third of an act entitled, An act to regulate and define the liabilities of railroad companies in this State.

The substitute was adopted.

Mr. Lowe moved to lay the substitute on the table.

Lost.

Mr. Hudgins moved to amend by striking out three-fourths and insert the full value.

Mr. Hubbard moved to lay the amendment on the table.

Yeas 32, nays 25.

No quorum voting.

Yeas—Messrs. Speaker, Bell, Bibb, Bradley, Brooks, Brown of aMrion, Bush, Clayton, Clifton, Clitherall, Coleman, Ferrell, Forney, Fountain, Gibson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hubbard, Knox, Lloyd, Lowe, Mabry, Martin, Shepard, Tate of Nacon, Tait of Wilcox, Thomas, Whitfield, Wright Woods.

Nays—Messrs. Abney, Aldridge, Brown of Tuscaloosa, Carter, Clapp, Cooper, Cowan, Dark, Davidson, Griffin of Jackson, Hobbs, Holley of Covington, Hudgins, Humphries, Latham, Meadows, Neal, Overall, Parsons, Ramsey, Scott, Smith of Coosa, Starke, Thornton, Walden of Coosa.

#### MR. COOPER'S PROTEST.

The undersigned has been charged, in the debate on this bill, with a violation of instructions by the vote which he expects to give on its passage.

Recognizing no man's right on this floor to call in question the propriety of his conduct, as the representative of a generous and confiding constituency, to whom he acknowledges his responsibility to its fullest extent, the undersigned is unwilling to let a doubt, much less an imputation, upon his fidelity to the interest of his people, pass unnoticed. He most respectfully avails himself of the privilege extended to him by the voluntary action of the house, of placing the reasons by which he is actuated upon its journals.

The questions of State aid to railroads, by which was understood State endorsements of railroad bonds, as well as State connection with railroad enterprises, when the same were to be built out of the public revenue, the State being owner or stockholder therein, in whole or in part. And the appropriation of the three per cent. funds were issued in the last summer's canvass in Cherokee. The undersigned took position against State aid and in favor of the appropriation of the three per cent. fund, and insisted it should of right be appropriated to the Alabama and Tennessee Rivers Railroad, and to no other; and pledged himself to use his whole influence to get an appropriation of so much thereof as would secure the completion of said road.

Believing at the time it was the intention of the friends of the Central Railroad to get up a party pledged to the doctrine

of State aid, and that it was their purpose to force the State to build said road from its treasury, which belief was superinduced by the proceedings of a convention at the inception of the project, the undersigned took open ground against all appropriations by the State to said road; and this pledge is here construed into instructions.

While thus pledged against State aid to this road, as that term was understood, as hereinbefore explained, the undersigned, upon more occasions than one in the canvass, stated in his public speeches that as he did not expect to get all the appropriation needed to complete the Alabama and Tennessee Rivers Railroad, without giving help to other roads claiming a share of said three per cent. fund, he was willing, if need be, to vote money out of the Treasury straight, as a loan to other roads, rather than be defeated in the appropriation desired for the road he was pledged to support.

Upon reaching this city, he found it was not the intention of the advocates for the Central Railroad to inaugurate a State aid enterprise; that it was their intention to build said road by individual subscription, asking only at the hands of the State an appropriation of the three per cent. fund and its interest, after the same shall have been used by the other leading roads mentioned in said bill, until they shall have had time, by means of the loan, to have reached their consummation. Believing the fund should draw a reasonable and equitable interest, and that the same, with its accumulations by way of interest, would be sufficient to secure the completion of the great leading roads, to-wit: the Central Alabama and Tennessee, the N. E. & S. W. R. R., and the Coosa & Tennessee R. R. R.; and that that completion affords to a majority of the voting population of the State all the railroad facilities needed, it will forever protect the State against the ravages of a State aid party. Believing if his constituents were here, with the understanding of the facts as they are understood by the undersigned, they would sustain their representative on the vote he intends to give for the passage of this bill, and conscious of the purity of his purpose, the correctness of his policy, and of the vast benefits which must result to his constituents and the State at large, from the completion of the magnificent system of improvements provided for in this bill, he most cheerfully submits his actions and motives to their judgment. Relying upon the impartiality of that judgment, he has no fears of the result.

THOS. B. COOPER.

On motion of Mr. Griffin, the house adjourned until 9½ o'clock to-morrow morning.

WEDNESDAY, 15th Feb. 1860.

House met pursuant to adjournment.

Journal read and approved.

Mr. Speaker, from special committee on bill to incorporate the Mobile and Spring Hill railroad company, reported amendment to said bill and recommended its passage.

Bill read third time and passed.

Mr. Bradley moved to reconsider the vote by which the house laid on the table the bill to increase the salaries of chancellors.

Mr. Chambers moved to postpone the consideration of that motion until Friday at 11 o'clock.

Carried.

Mr. Rice moved to take from the table the bill regarding peddling, &c.

Carried.

On motion of Mr. Rice, referred to a committee of three.

Mr. Ramsey moved to take up bills on second reading.

Lost.

#### CALL OF COUNTIES.

The following bills were introduced, read first, second, and third times under a suspension of the rule and passed :

Mr. Lloyd : to prevent the sale of vinious or spirituous liquors within one mile of Springville Academy, in St. Clair county ;

Mr. Parsons : to incorporate the Talladega Exchange :

Mr. Tait of Wilcox : to authorize Geo. W. Thrash to erect a gate across a certain road therein named ;

Read first and second times.

Mr. Hale offered an amendment as follows :

*And be it further enacted*, That D. H. Williams, be, and he is hereby authorized to erect a gate across the road leading from Eutaw, in Greene county, to Gainsville, in Sumter county, on that part of said road which passes through the plantation of the said Williams near the Tombigbee river, in Greene county. *Provided*, he shall so construct said gate not materially to impair the convenience of travelers.

Adopted.

The bill as amended was read third time and passed.

Mr. Tait of Wilcox : a bill in relation to the 16th section funds, and for a more effectual security of the same, was read first time under a suspension of the rule, and referred to committee on education.

Mr. Taylor : a bill for the relief of Mary B. Fulton of Autauga county ;



Which was read first and second times under a suspension of the rule;

Mr. Walden of Coosa, moved to amend by adding the name of Nancy Hood of Coosa county.

Mr. Overall moved to amend by adding the name of Matilda H. McArthur.

Mr. Clitherall moved to amend as follows:

And all other married women in this State.

Mr. Thomas moved to amend as follows:

*Be it further enacted*, That E. Teague of Henry county, shall have all the benefits of the provisions of this act, and that all the provisions of this act are hereby made applicable to the said Sarah E. Teague.

Laid on the table.

Mr. Dark moved to amend by adding the name of D. D. Tuchner of Tallapoosa county.

Mr. Griffin of Marshall, moved to lay the amendment on the table.

Carried.

Mr. Clitherall moved to lay the bill on the table.

Lost.

Mr. Clitherall then moved to refer bill to the judiciary committee.

Lost.

Mr. Aldridge moved to amend as follows:

*Be it further enacted*, That M. McMurry, wife of Robert McMurry of Blount county, and Rebecca F. Stud of Talladega county, shall be entitled to all the privileges and benefits of this act.

Mr. Griffin of Marshall, moved the previous question.

Sustained.

The bill was ordered to a third reading.

Mr. Parsons presented the petition of Thomas Weed and others, for the repeal of an act of Feb. 5th, 1858, to incorporate the Lincoln male and female academy;

Also, the petition of Jesse Hardin and others, against the repeal of said act;

Which petitions were referred to committee on corporations;

Mr. Chambers: a bill to authorize the Governor to issue a patent in a certain case; the rule was suspended, bill read first, second, and third times and passed;

Mr. Adams: a bill for the relief of W. D. Perryman; read first and second times and laid on the table;

Mr. Carlyle: to extend to the Opelika and Oxford railroad company the provisions of sections 9, 10, and 11, of an act

entitled an act to incorporate the Russell railroad company; read first and second times under a suspension of the rule and referred to committee on corporations;

Mr. Thornton: a bill to authorize an extension of certain 16th section notes in township 12, of range 6, in Cherokee county; rule suspended, read first, second, and third times and passed;

Mr. Walden of Coosa: an account of Mr. Conaway; referred to committee on accounts and claims;

Mr. Holley of Covington: a bill to transfer the counties of Covington and Conecuh from the 2d Chancery District of the Southern Chancery Division, to the Chancery District of said Division composed of the county of Butler; read once, the rule being suspended, and read a second time and referred to the judiciary committee.

Message from the Senate.

Senate, Feb. 15th, 1860.

*Mr. Speaker:* The Senate has originated and passed bills with the following titles:

More effectually to prevent the illegal traffic with slaves in the county of Marengo;

For the relief of Thomas Killough.

Has also passed a house bill with the following title:

To incorporate the Tuskegee railroad company.

The Senate has originated and passed a bill with the following:

For the relief of John E. McCrory of Butler county, and other persons therein named.

M. TAUL, Secretary Senat .

Mr. Holley of Covington: a bill for the relief of the tax collector of Covington county; read first and second times under a suspension of the rule.

Mr. Clitherall offered the following amendment:

*Provided*, that before this act shall take effect the securities on the official bond of said tax collector shall file their assent in writing thereto with the Controller of public accounts.

Adopted.

The bill was read a third time forthwith and passed.

The following bills were introduced, read first and second times and referred to the judiciary committee:

Mr. Irby: to amend section 216 of the Code;

Also, to amend 2014 of the Code.

The following bills were introduced, read first, second, and third times and passed:

Mr. Burgess: to authorize John S. Morague to erect a dam across Big Mills creek;

Ordered to the Senate;

Mr. Hale: to authorize the erection of water grist mills which grind for toll;

Mr. Smith of Lauderdale: to amend section 499 of the Code, so far as Lauderdale county is concerned;

Mr. Hobbs: to amend an amendatory act, approved 9th Feb. 1856, of an act to incorporate the town of Athens, approved 15th Jan. 1828;

Mr. Woods: to incorporate the Commercial College of Montgomery;

Mr. Bradley: to incorporate the Marion Rifles, and other military companies therein named;

Mr. Shepard: to amend the road laws in Washington county;

Mr. Starke: to amend an act approved 4th Feb. 1843, amendatory of an act approved 16th Dec. '59, to incorporate the town of Troy;

Mr. Bowdon: to amend an act entitled an act to incorporate the South and North Alabama railroad company.

The following bills were introduced, read first and second times and referred to the military committee:

Mr. Hobbs: to provide for the sale of the useless arms and equipments of the State of Alabama.

Mr. Rice: to put the Rough and Ready Invincibles of Montgomery county on an equal ground with other volunteer companies;

Also, to refund the Montgomery Mounted Rifles the amount paid for their arms.

The following accounts were presented, and referred to committee on accounts and claims:

Mr. Woods: the account of M. J. Tuttle, of Montgomery county;

Mr. Clapp: the account of Samuel Wallace, of Marshall county;

Mr. Brown of Marion, introduced a bill to remodel the penitentiary system of the State of Alabama, which was read first and second times under the rule.

Mr. Starke moved to amend the bill as follows; *Provided*, That convicts shall be confined to service upon the Central railroad for the next ten years.

Mr. Cooper moved to lay the amendment on the table.

Carried.

The bill was then referred to the judiciary committee.

Mr. Rice introduced a bill for the relief of W. W. Waller,

trustee of E. A. L. Waller, which was read first and second time, rule suspended.

Mr. Walden of Coosa, moved to amend as follows; *Provided*, the parties interested agree to said removal.

Mr. Rice moved to lay the amendment on the table.

Carried.

The bill was read third time and passed.

Message from the Governor by Mr. Phelan.

Mr. Speaker: His Excellency, the Governor has approved bills which originated in the House of Representatives of the following titles:

An act to enable Nicholas Davis, trustee, to change the investment of trust funds;

An act for the relief of the estate of the late Elmira Foster of Mobile county;

An act for the relief of the children of John Stewart and Rose Stewart;

An act to amend the law in regard to security for costs in certain cases;

An act to amend section 2005 of the Code;

An act to regulate the jurisdiction and fees of justices of the peace in the city of Mobile;

An act to authorize the probate judge of Russell county to sanction and confirm a division of the slaves belonging to the estate of Mathew Averett, deceased;

An act to authorize the issuance of a patent to Eli S. Thornton for 16th section lands, in Choctaw county;

An act to repeal an act therein named;

An act to regulate the pay of jurors in cases of change of venue;

An act to incorporate Woodlawn female institute, in the county of Macon;

An act to provide for the more effectual collection of the city taxes in the city of Mobile, and for other purposes;

An act to repeal a certain act therein named, regulating the registration of claims in the county of Dekalb;

An act for the benefit of insolvent white persons confined in jail in any county in this State;

An act to authorize John Holley of Coffee county to establish a bridge or ferry in said county;

An act to amend section 2235 of the Code;

An act to authorize the Governor to issue a patent to Thomas Walker, of Dallas county for certain school lands therein mentioned;

An act to provide for the holding of coroners inquests by justices of the peace in certain cases;

An act to authorize the issue of letters testamentary without bond, in a certain case therein named;

I am also instructed by his excellency the Governor, to deliver to the House of Representatives the accompanying communication.      WATKINS PHELAN, Private Secretary.

A communication from the Governor in regard to the penitentiary, was laid before the House, and referred to committee on the penitentiary, with instructions to report by bill or otherwise.

Mr. Seay moved to suspend the business before the House to consider bills on third reading.

Carried.

The following Senate bills and House bills were read the third time and passed:

For the relief of certain persons therein named;

For the relief of the register of the chancery court of Sumter county;

To prevent the adulteration and sale of adulterated liquors;

For the relief of Jno. E. Spotswood, of Madison county;

Yeas 51, nays 10.

Yeas—Messrs. Abney, Adams, Barlow, Bell, Bibb, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clayton, Cooper, Cowan, Cunningham, Dark, Davidson, Davis, Fielder, Forney, Forsyth, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Huckabee, Humphries, Irby, Knox, Lowe, Meadows, Oats, Overall, Parsons, Rice, Scott, Seay, Smith of Coosa, Starke, Tait of Wilcox, Thomas, Thornton, Walden of Coosa, Walker, Whitfield, Wright, Woods.—51.

Nays—Messrs. Aldridge, Bradley, Clifton, Clitherall, Easley, Hubbard, Latham, Lloyd, Mabry, Martin.—10.

Mr. Starke moved to suspend the special orders to proceed with bills on 3rd and 2nd reading.

Carried.

Engrossed bill to enable a majority of the voters residing near churches, meeting houses, places of religious worship and schools to prohibit retailing within one and a half miles of the same, which was read third time.

Mr. Abney moved to lay the bill on the table.

Carried.

Yeas 37, nays 33.

Yeas—Messrs. Speaker, Abney, Aldridge, Brown of Marion,

Brown of Tuscaloosa, Bryan, Bush, Calhoun, Clapp, Clifton, Dark, Forsyth, Goldsmith, Hardwick, Hearin of Clarke, Herman, Hobbs, Huckabee, Irby, Knox, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Musgrove, Neal, Overall, Ramsey, Scott, Seay, Smith of Lauderdale, Starke, Tait of Wilcox, Walden of Coosa, Walker, Wright.—37.

Nays—Messrs. Bell, Bibb, Bowen, Bradley, Brooks, Carter, Chambers, Clayton, Clitherall, Coleman, Cooper, Davis, Easley, Forney, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hightower, Holley of Covington, Hubbard, Hudgins, Humphries, Oats, Rice, Shepard, Smith of Coosa, Tate of Macon, Thomas, Thornton, Whitfield.—33.

House bill to repeal in part an act to regulate and define the duties and liabilities of railroad companies in this State, approved 6th Feb., 1858, &c.

Question being on the adoption of Mr. Walker's substitute.

Adopted.

Read third time.

Mr. Davis moved to lay the bill on the table.

Carried.

The House bills of the following titles were read a second time:

To incorporate the Gainesville Rifles, referred to the military ;

For the relief of T. H. Mellard, of Barbour county.

Laid on the table.

To authorize notaries public in the city of Mobile to deposit notices of protest in the post office, referred to the judiciary ;

For the relief of R. T. Starr, of Mobile.

Laid on the table on motion of Mr. Aldridge.

For the relief of T. W. Roberts, former jailor of Barbour county, referred to accounts and claims ;

To amend the law in relation to dower.

Laid on the table on motion of Mr. Martin.

Mr. Chambers demanded the yeas and nays.

Yeas 34, nays 31.

Yeas—Messrs. Abney, Brooks, Brown of Marion, Brown of Tuscaloosa, Burgess, Carlyle, Clapp, Clifton, Clitherall, Cowan, Cunningham, Forney, Gilchrist, Griffin of Marshall, Hale, Hardwick, Herman, Holley of Covington, Hudgins, Irby, Lloyd, Mabry, Martin, Oats, Overall, Ramsey, Shepard, Slater, Starke, Tait of Wilcox, Taylor, Walden of Coosa, Whitfield, Woods.—34.

Nays—Messrs. Speaker, Adams, Aldridge, Bibb, Bowen, Bradley, Bush, Calhoun, Carter, Chambers, Clayton, Dark,

Easley, Ferrell, Fountain, Gibson, Griffin of Jackson, Herman of Tallapoosa, Hightower, Hubbard, Humphries, Knox, McMurry, Meadows, Musgrove, Neal, Smith of Coosa, Tate of Macon, Thomas, Thornton, Wright.—31.

The bill for the relief of the heirs of Thos. Brewer, deceased, late of Fayette county, was read second and third times under the rule and passed.

Ordered to the Senate.

Mr. Woods introduced a bill to amend section 2673 of the Code in relation to mechanics' lien, so far as the same relates to Montgomery county, which was read first, second and third times under the rule and passed.

When on motion of Mr. Griffin, of Jackson, the House adjourned until 3 P. M.

#### AFTERNOON SESSION, Feb. 15, 1860.

House met at 3 o'clock, P. M.

Leave of absence was granted to Mr. Sherrod, from to-morrow.

House resumed the consideration of the bill to repeal section three of an act, entitled an act to regulate and define the liabilities of railroad companies in this State.

The question being on laying the amendment of Mr. Hudgins on the table.

Lost.

Yeas 30, nays 31.

Yeas—Messrs. Abney, Bell, Bibb, Bowen, Bradley, Brooks, Bush, Carter, Clitherall, Coleman, Cunningham, Forney, Fountain, Gibson, Gilchrist, Griffin of Marshall, Hale, Hearin of Clarke, Hubbard, Irby, Mabry, Oats, Overall, Rice, Shepard, Thomas, Thornton, Walker, Whitfield, Woods.—30.

Nays—Messrs. Speaker, Adams, Aldridge, Bowdon, Brown of Marion, Brown of Tuscaloosa, Burgess, Calhoun, Clapp, Clifton, Cowan, Dark, Ferrell, Goldsmith, Griffin of Jackson, Herman, Hudgins, Humphries, Latham, Lloyd, McMurry, Meadows, Musgrove, Neal, Ramsey, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walden of Morgan, Warren.—31.

When on motion of Mr. Hubbard, the bill was laid on the table.

Mr. Mabry, from committee on insane hospital, reported a bill to make an appropriation to supply the insane hospital with provisions, and prepare it for the reception and treatment of patients, which was read first, second and third times under the rule and passed.

Yeas 44, nays 29.

Yeas—Messrs. Speaker, Adams, Bell, Bowen, Bowdon, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Carter, Chambers, Clitherall, Flake, Forney, Gilchrist, Hale, Herren of Tallapoosa, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Knox, Lowe, Mabry, Neal, Overall, Parsons, Rice, Scott, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Thomas, Walden of Coosa, Walker, Whitfield, Woods.—44.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Burgess, Clapp, Clifton, Cooper, Cowan, Dark, Davis, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Clarke, Hightower, Holley of Covington, Humphries, Lloyd, Meadows, Musgrove, Oats, Ramsey, Seay, Smith of Coosa, Thornton, Warren, Wright.—29.

Mr. Scott, from select committee, reported favorably on the bill to carry into effect an act of Congress, approved 22d Jan., 1854, authorizing a selection of land in lieu of 16th sections, within the twelve miles square reservation in the State of Alabama, which was read the third time forthwith and passed.

#### REPORTS FROM PROPOSITIONS AND GRIEVANCES.

The following bills were reported favorably upon, read the third time forthwith and passed :

Mr. Aldridge: For the relief of Green Lovlace ;

To compensate Richard Norton, of Cherokee, for services rendered the State ;

To compensate Seth Mabry, J. C. Haley and Aaron Willis, for moneys expended by them in arresting a fugitive from justice.

Mr. Dark: To compensate Dr. F. H. Newman *et al.*, for a post mortem examination of public justice.

Mr. Wright: For the relief of Washington C. McMahon.

Mr. Dark reported adversely to the petition of David Scott and others.

Concurred in.

Mr. Wright reported a bill for the relief of Wm. A. Wilson, of Coosa, which was read first, second and third times under a suspension of the rule and passed.

Mr. Wright reported a substitute for the bill to provide for the burial expenses of the poor.

Adopted.

Read third time forthwith and passed.

Mr. Wright reported a substitute for the bill to relieve Asa Carter, jr., from the county of Covington, from the disabilities of being a minor,



Which bill on motion of Mr. Chambers, was laid on the table.

Mr. Clayton reported favorably on the bill for the relief of Danl. K. Hunter, tax collector of Madison county, which was read third time forthwith and passed.

Mr. Wright reported adversely to the bill for the relief of John Caffey, of Lowndes, which was concurred in.

Mr. Ramsey, from select committee, reported a substitute for the bill to change the tax on slaves, &c.

When the House on motion of Mr. Clitherall, adjourned until 9½ o'clock to-morrow.

Yeas 29, nays 27.

THURSDAY, Feb. 16, 1860.

House met pursuant to adjournment.

Reading of the journal was dispensed with.

Mr. Oats moved to reconsider the vote by which the House laid on the table the bill defining the liabilities of railroads, &c.

Message from the Senate.

Senate, Feb. 16, 1860.

*Mr. Speaker* : The Senate has amended the amendment of the House to the resolution of the Senate, proposing that the two houses meet in convention to-day at 12 o'clock, for the purpose of electing a solicitor for the 9th judicial circuit; also, trustees of the State University, a Quarter-Master-General and Adjutant-General.

The amendment is as follows :

Strike out the words, "the trustees of the University," and insert "one trustee of the University of Alabama, for the 1st judicial circuit; one for the 2nd; three for the third; one for the 6th; one for the 8th; one for the 9th; one for the 10th, and one for the 11th, and asks the concurrence of the House therein.

M. TAUL, Secretary Senate.

The House concurs in the Senate amendment, and amends Senate amendment, by adding "one for the 5th."

Mr. Chambers moved to suspend all business to take up the military bill.

Carried.

The question then being on the adoption of Mr. Clitherall's amendment.

Mr. Clitherall withdrew the amendment and moved to amend the 9th section of the printed bill as follows:

Amend the 9th section by striking out the words "and five per cent. on the amount of his State tax" in the 3d line, and inserting after the word "exemption" in the 12th line, the following: "and he shall also collect from each tax payer, except those who enrolled in the volunteer corps under this act, and those who have actually performed militia or military duty under the laws of this State, to be ascertained as above in this section: *Provided*, five per cent. on his, her, or their State tax, which shall be kept separate and paid over to the controller of the State as a military fund."

Adopted.

Amend the 3d section by striking out all after the words "military fund" in the 13th line, and insert in lieu: "and if there shall not be a sufficient amount of the military fund in the treasury to pay the sum above specified per man, then the sum shall be paid out *pro rata*;" after \$200,000 in the last section insert the words "if necessary."

Adopted.

Mr. Gibson moved to amend as follows:

Strike out all after the 1st section except the enacting clause; 2d. Strike out the 3d section; 4th. Strike out all between the word "October" in the 6th line and the word "the" in the 10th line; Strike out sections 9, 10, 11, 12, 13, 14 and 16; 4th. Amend section 18 by adding the words "and provide for such military defence of the State as in his judgment the public interest may require."

Mr. Neal moved to lay the amendment on the table.

Carried.

Yeas 52, nays 30.

Yeas—Messrs. Speaker, Adams, Barlow, Bell, Bibb, Bowen, Bradley Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Chambers, Clayton, Clitherall, Coleman, Cooper, Davidson, Fielder, Forsyth, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Herman, Hightower, Hobbs, Hubbard, Huckabee, Irby, Knox, Lowe, Mabry, Meadows, Neal, Oats, Overall, Ramsey, Rice, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Thomas, Walker, Warren, Whitfield, Woods.—52.

Nays—Messrs. Aldridge, Bowdon, Burgess, Carter, Clapp, Clifton, Cowan, Dark, Davis, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Latham, Lloyd, Martin, McMurry, Musgrove, Seay, Starke, Thornton, Walden of Coosa, Wright.—30.

Mr. Clitherall moved to amend as follows:

Strike out the words "surrendering its act of incorporation," in the 4th and 5th lines of the 3d section.

Mr. Neal moved to lay the amendment on the table.

Lost.

Yeas 18, nays 58.

Yeas—Messrs. Bowdon, Bradley, Brown of Tuscaloosa, Carlisle, Davidson, Easley, Fountain, Hale, Holley of Covington, Holley of Tallapoosa, Mabry, Meadows, Neal, Overall, Slater, Smith of Coosa, Tait of Wilcox, Warren.—18.

Nays—Messrs. Abney, Adams, Aldridge, Bell, Brooks, Brown of Marion, Burgess, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Coleman, Cooper, Cowan, Davis, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Humphries, Knox, Lloyd, Lowe, Martin, Oats, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Walden of Morgan, Walker, Whitfield, Wright.—58.

Mr. Clitherall's amendment was then adopted.

Mr. Gibson moved to amend as follows :

*Provided*, That in any county in this State in which no volunteer company shall be organized under the provisions of this act, the inhabitants of such county shall be exempt from the tax to support the military organization contemplated by this act.

Mr. Smith of Lauderdale moved to lay the amendment on the table.

Carried.

Yeas 52, nays 22.

Yeas—Messrs. Adams, Bell, Bowen, Bowdon, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Chambers, Clayton, Clitherall, Davis, Forney, Forsyth, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Hobbs, Hubbard, Huckabee, Hudgins, Humphries, Irby, Knox, Lowe, Mabry, Meadows, Neal, Oats, Overall, Ramsey, Rice, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Walden of Morgan, Walker, Warren, Whitfield, Wright, Woods.—52.

Nays—Messrs. Speaker, Abney, Aldridge, Brown of Marion, Clapp, Clifton, Coleman, Cooper, Cowan, Davidson, Fountain, Gibson, Griffin of Marshall, Hardwick, Hearin of Clarke, Holley of Covington, Latham, Lloyd, Martin, Parsons, Thornton, Walden of Coosa.—22.

Mr. Holley of Covington moved the following amendment :  
*Provided, however,* That if the North shall cease her aggressions upon the rights of the South, this act shall not be in force.

Mr. Clitherall moved to lay the amendment on the table.

Carried.

Yeas 63, nays 14.

Yeas—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Carter, Chambers, Clayton, Clitherall, Dark, Davidson, Davis, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Knox, Lowe, Mabry, McMurry, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thomas, Thornton, Walker, Warren, Whitfield, Wright, Woods.—63.

Nays—Messrs. Abney, Aldridge, Barlow, Brown of Marion, Burgess, Clifton, Coleman, Cowan, Hardwick, Holley of Covington, Lloyd, Martin, Walden of Coosa.—14.

Mr. Walden, of Coosa, moved to reconsider the vote by which the house passed a bill to amend an act entitled, An act to incorporate the South and North Alabama Railroad Company.

Carried.

Also, moved to re-consider the vote by which said bill was ordered to a third reading.

Carried.

Mr. Walden, of Coosa, moved to amend as follows :

*Provided,* That nothing contained in this act shall change or affect in any manner the course, route, or indications of the road as laid down in the original charter of the South and North Alabama railroad company.

Adopted.

Constitutional rule suspended ; bill read third time, and passed.

Message from the Senate.

Senate, Feb. 16, 1860.

*Mr. Speaker :* The Senate concurs in the amendment of the House to the resolution in regard to the elections of Solicitor for 9th circuit, trustees of the university, adjutant and quarter master general.

The Senate has passed the House bill :

To loan and appropriate the three per cent. fund and its interest.

M. TAUL, Secretary Senate.

On motion of Mr. Oats the house took an informal recess until 12 o'clock.

At 12 o'clock M., on motion, the Senate was invited into the hall of the house, when the two houses in joint convention proceeded to the election of solicitor of the 9th judicial circuit; Jno. G. Stokes, Jefferson Falkner, and Geo. P. Brown, being in nomination.

Those who voted for Mr. Brown of M., are, Messrs. Brewer, Bullock, Calhoun, Chilton, Cleveland, Cocke, Higgins, Hill, Jones of Greene, McSpadden, Nelson, Staton, Toulmin, Walker, Wood, of the Senate: and Messrs. Abney, Aldridge, Bell, Bowen, Bowden, Bradley, Brooks, Bryan, Burgess, Bush, Carter, Chambers, Clayton, Easley, Fielder, Forney, Gibson, Gilchrist, Hale, Hudgins, Irby, Lloyd, Lowe, Parsons, Rice, Smith of Lauderdale, Tate of Macon, Thomas, Thornton, Walker, Wright, Woods, of the House—47.

Those who voted for Mr. Stokes, of Tallapoosa, are Messrs. President, Burnett, Felder, Fleming, Heflin, Horn, Jackson, Jones of Fayette, Patton, Rowe, Woodward, of the Senate: and Messrs. Speaker, Adams, Barlow, Bibb, Brown of Marion, Brown of Tuscaloosa, Calhoun, Clapp, Clifton, Clitherall, Coleman, Cooper, Cowan, Dark, Davis, Ferrell, Forsyth, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Knox, Lane, Latham, Mabry, Martin, McMurry, Musgrove, Neal, Oats, Overall, Ramsey, Scott, Seay, Shepard, Slater, Smith of Coosa, Starke, Tait of Wilcox, Taylor, Walden of Coosa, Walden of Morgan, Warren, of the House—64.

Those who voted for Mr. Faulkner, of Chambers, are Messrs. Griffin, Jemison, Mitchell, Stone, of the Senate: and Messrs. Carlysle, Griffin of Marshall, Hubbard, Meadows, of the House.—8.

Mr. Stokes having received a majority of all the votes cast, was declared by Mr. Speaker to have been duly and constitutionally elected solicitor of the 9th judicial circuit, for and during the time prescribed by law.

The two houses in joint convention proceeded to elect Trustees of the University of the State of Alabama.

Hon. Porter King, of Perry county, alone being in nomina-

tion, and having received 115 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the first judicial circuit for the term prescribed by law.

The convention next proceeded to the election of trustee for the second judicial circuit. Mr. Francis Bugbee alone being in nomination, and having received 111 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the second judicial circuit for the term prescribed by law.

The convention next proceeded to the election of three trustees for the third judicial circuit. John S. Storrs of Shelby, John G. Ormond of Tuscaloosa, and Wm. S. Mudd of Jefferson, alone being in nomination. Mr. Mudd, received 93 votes, Mr. Ormond 92 votes, and Mr. Storrs 91 votes. [Mr. Higgins voted for Mr. Mudd and Mr. Ormond alone; Mr. Brown of Marion, of the House, voted for Mr. Mudd alone.] With these exceptions, the gentlemen named having received all the votes cast, Mr. Speaker declared them duly elected trustees, etc., of the third judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee of the fifth judicial circuit. Mr. S. S. Scott, of Madison, alone being in nomination, and having received 100 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the fifth judicial circuit for the term prescribed by law.

The convention next proceed to the election of a trustee for the sixth judicial circuit. Mr. Percy Walker, of Mobile, alone being in nomination, and having received 100 votes, the whole number cast, Mr. Speaker declared him duly elected trustee for the sixth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of trustee for the eighth judicial circuit. Mr. E. C. Bullock, of Barbour, alone being in nomination, and having received 98 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the eighth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee for the ninth judicial circuit. Mr. Wm. C. McIver, of Macon, alone being in nomination, and having received 96 votes, the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the ninth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee for the tenth judicial circuit. Mr. W. H. Forney, of Calhoun, alone being in nomination, and having received 88 votes, the whole number cast, Mr. Speaker declared him duly elected

trustee, etc., for the tenth judicial circuit for the term prescribed by law.

The convention next proceeded to the election of a trustee of the eleventh judicial circuit. M. Felix Tait, of Wilcox, alone being in nomination, and having received 94 votes, being the whole number cast, Mr. Speaker declared him duly elected trustee, etc., for the eleventh judicial circuit for the term prescribed by law.

Mr. Clitherall moved to adjourn until 3 P. M.

Lost.

The two houses in joint convention proceeded to elect a Quarter Master General for the State of Alabama. Frank L. Smith, Reuben Thom, and C. E. Evans, being in nomination.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Griffin, Higgins, Hill, Horn, Jones of Fayette, Nelson, Patton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate: And Messrs. Speaker, Adams, Aldridge, Bell, Bowdon, Bradley, Brown of Marion, Brown of Tuscaloosa, Burgess, Bush, Carter, Coleman, Cowan, Davidson, Easley, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Holley of Covington, Holley of Tallapoosa, Knox, Lane, Latham, Lowe, Mabry, Martin, Musgrove, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Thomas, Walden of Morgan, Walker, Warren, of the House.—52.

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Jackson, Jemison, Jones of Greene, McSpadden, Staton, of the Senate: And Messrs. Abney, Bowen, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, Whitfield, of the House.—37.

Those who voted for Mr. C. E. Evans are, Heflin, Rowe, of the Senate: And Messrs. Bibb, Calhoun, Clapp, Clifton, Dark, Ferrell Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Hightower, Humphries, McMurry, Meadows, Smith of Coosa, Tate of Macon, Thornton, Walden of Coosa, Woods, of the House.—23.

No one having received a majority of all the votes cast, the two houses in joint convention proceeded again to ballot the second time.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Griffin, Hill, Horn, Jones of Fayette, Nelson, Patton, Stone, Toulmin, Walker, Wood, Woodward, of the Senate: And Messrs. Speaker, Adams, Aldridge, Bowden, Bradley, Brown

of Marion, Brown of Tuscaloosa, Bush, Carter, Cowan, Easley, Griffin of Marshall, Hardwick, Herman, Holley of Tallapoosa, Knox, Lane, Latham, Lowe, Martin, Musgrove, Oats, Ramsey, Rice, Scott, Shepard, Slater, Thomas, Walden of Morgan, Walker, Warren, Whitfield, of the House.—44.

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Jackson, Jemison, Jones of Greene, McSpadden, Staton, of the Senate: And Messrs. Abney, Bell, Bowen, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Neal, Overall, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, of the House.—39.

Those who voted for Mr. C. E. Evans are, Messrs. Heflin, Higgins, Mitchell, Rowe, of the Senate: And Messrs. Bibb, Burgess, Calhoun, Clapp, Clifton, Dark, Davidson, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Hightower, Holley of Covington, Humphries, McMurry, Meadows, Smith of Coosa, Tate of Macon, Thornton, Walden of Coosa, Wright, Woods, of the House.—30.

After the second ballot various motions were made to adjourn.  
Lost.

No one having received a majority of all the votes cast, the two houses proceeded to ballot the 3d time.

Those who voted for Mr. Smith are, Messrs. Cocke, Hill, Horn, Jones of Fayette, Nelson, Patton, Staton, Stone, Toulmin, Wood, Woodward, of the Senate: And Messrs. Speaker, Adams, Aldridge, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Cowan, Davidson, Easley, Griffin of Marshall, Hardwick, Herman, Holley of Tallapoosa, Lane, Latham, Lowe, Martin, Musgrove, Oats, Ramsey, Seay, Shepard, Slater, Walden of Morgan, Walker, Warren, of the House.—39.

Those who voted for Mr. Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Felder, Fleming, Jackson, Jemison, Jones of Greene, McSpadden, of the Senate: And Messrs. Abney, Bell, Bowen, Brooks, Chambers, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, of the House.—36.

Those who voted for Mr. Evans are, Messrs. Griffin, Heflin, Higgins, Mitchell, Rowe, of the Senate: And Messrs. Bibb, Calhoun, Clapp, Clifton, Dark, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Herren of Tallapoo-



sa, Hightower, Holley of Covington, Humphries, McMurry, Meadows, Overall, Rice, Smith of Coosa, Tate of Macon, Thomas, Walden of Coosa, Whitfield, Wright, Woods, of the House.—31.

After the 3d ballot several motions were made to adjourn.

Lost.

No one having received a majority of all the votes cast, the two houses proceeded to the 4th ballot.

Those who voted for Mr. F. L. Smith are, Messrs. Cocke, Horn, Jones of Fayette, Nelson, Stone, Toulmin, Walker, Wood, Woodward, of the Senate: And Messrs. Speaker, Adams, Aldridge, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Easley, Griffin of Marshall, Herman, Holley of Tallapoosa, Knox, Latham, Lowe, Martin, Musgrove, Oats, Overall, Ramsey, Scott, Shepard, Slater, Walden of Morgan, Warren, Wright, of the House.—35.

Those who voted for Mr. Reuben Thom are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Felder, Fleming, Hill, Jackson, Jemison, Jones of Greene, McSpadden, Patton, of the Senate: And Messrs. Abney, Bell, Bowen, Brooks, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Hobbs, Hubbard, Huckabee, Irby, Mabry, Neal, Parsons, Smith of Lauderdale, Starke, Tait of Wilcox, Walker, Whitfield, of the House.—39.

Those who voted for Mr. C. E. Evans, are Messrs. Griffin, Heflin, Higgins, Mitchell, Rowe, Staton, of the Senate: And Messrs. Bibb, Calhoun, Chambers, Clapp, Clifton, Cowan, Dark, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Hudgins, Humphries, Lane, McMurry, Meadows, Rice, Smith of Coosa, Tate of Macon, Thomas, Thornton, Walden of Coosa, Woods, of the House.—36.

No one having received a majority of all the votes cast, the two houses proceeded to the 5th ballot, the name of Mr. Smith being withdrawn.

Those who voted for Mr. Thom were, Messrs. President, Brewer, Bullock, Burnett, Bynum, Calhoun, Cleveland, Cocke, Cleveland, Cocke, Fielder, Fleming, Hill, Jackson, Jemison, Jones of Greene, McSpadden, Nelson, Patton, Staton, Stone, Toulmin, Wood, of the Senate; and Messrs. Speaker, Abney, Aldridge, Bell, Bowen, Brooks, Bryan, Carlyle, Carter, Clayton, Clitherall, Cooper, Davis, Forney, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Huckabee, Irby, Mabry, Neal, Overall, Parsons, Ramsey, Scott, Shepard, Slater, Smith

of Lauderdale, Starke, Tait of Wilcox, Taylor, Walker, Warren, Whitfield, of the House—58.

Those who voted for Mr. Evans were, Messrs. Griffin, Heflin, Higgins, Horn, Jones of Fayette, Rowe, Woodward, of the Senate; and Messrs. Adams, Bibb, Bowden, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Calhoun, Chambers, Clapp, Clifton, Cowan, Dark, Davidson, Easley, Ferrell, Fielder, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hudgins, Humphries, Knox, Lane, Latham, Lowe, Martin, McMurry, Meadows, Musgrove, Oats, Rice, Smith of Coosa, Tate of Macon, Thomas, Thornton, Walden of Coosa, Walden of Morgan, Wright, Woods, of the house—54.

Mr. Thom having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Quarter Master General for and during the time prescribed by law.

After the election of Quarter Master General a motion was made to adjourn until 10 o'clock to-morrow, and until 4 o'clock P. M.

Lost.

The two Houses in joint convention proceeded to vote for Adjutant General for the State of Alabama, S. P. NeSmith and Thos. E. McIver, being in nomination.

Those who voted for Mr. McIver are, Messrs. Calhoun, Cocke, Griffin, Hill, Woodward, of the Senate: and Messrs. Speaker, Bradley, Huckabee, Irby, Mabry, Meadows, Tait of Wilcox, Walker, Wright, Woods, of the House.—15.

Those who voted for Mr. S. P. NeSmith are, Messrs. President, Brewer, Bullock, Burnett, Bynum, Cleveland, Felder, Fleming, Heflin, Higgins, Horn, Jackson, Jemison, Jones of Fayette, Jones of Greene, McSpadden, Nelson, Patton, Rowe, Staton, Stone, Toulmin, Walker, Wood, of the Senate: and Messrs. Abney, Adams, Aldridge, Bell, Bowen, Bowden, Brooks Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush Calhoun, Carter, Chambers, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davidson, Davis, Easley, Ferrell, Fielder, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of T., Hubbard, Hudgins, Knox, Lane, Latham, Lowe, Martin, McMurry, Musgrove, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Slater, Smith of

Coosa, Smith of Lauderdale, Starke, Tate of Macon, Taylor, Thomas, Thornton, Warren, Whitfield, of the House.—90.

Mr. NeSmith having received a majority of all the votes cast, was declared by Mr. Speaker to be duly and constitutionally elected Adjutant-General for the State of Alabama, for and during the time prescribed by law.

When the Senate withdrew to its chamber, and the House stood adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

House met at 3 o'clock, P. M.

The roll was called, and the following members answered to their names:

Messrs. Speaker, Bowden, Brown of Tuscaloosa, Burgess, Chambers, Clayton, Clitherall, Cooper, Cowan, Ferrell, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Lowe, Martin, McMurry, Ramsey, Scott, Shepard, Slater, Starke, Whitfield Woods.—32.

No quorum present.

Mr. Scott moved to adjourn.

Lost.

Yeas 13, nays 17.

Yeas—Messrs. Speaker, Brown of Tuscaloosa, Clitherall, Gilchrist, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Lowe, Martin, Scott, Taylor, Whitfield.—15.

Nays—Messrs. Chambers, Clayton, Clifton, Ferrell, Goldsmith, Hardwick, Holley of Tallapoosa, Hubbard, Huckabee, McMurry, Ramsey, Shepard, Slater, Thornton, Wright, Woods.—17.

When on motion, the House adjourned until 9½ o'clock tomorrow.

#### FRIDAY, 17th Feb., 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Irby moved to take up the bill to provide for an efficient military organization of the State.

Carried.

Mr. Neal moved to amend as follows:

*Provided*, the companies incorporated at the present session of the legislature accepting the provisions of this act shall not be exempt from road service.

Adopted.

Mr. Hobbs moved to amend as follows: amend section 18 by

adding, "but it shall not be lawful for him to expend in behalf of any company, except artillery companies, a greater sum than twenty-five dollars per man, of such company.

Adopted.

Substitute was adopted and ordered to a third reading forthwith, and passed.

Yeas 48, nays 29.

Yeas—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Carlysle, Carter, Chambers, Clayton, Clitherall, Davidson, Forney, Forsyth, Gilchrist, Griffin of Jackson, Hale, Herren of Tallapoosa, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Lane, Lowe, Mabry, Meadows, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Walker, Whitfield, Woods.—48.

Nays—Messrs. Aldridge, Bibb, Bowden, Clapp, Clifton, Cooper, Cowan, Dark, Easley, Ferrell, Fountain, Gibson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Holley of Tallapoosa, Latham, Lloyd, Martin, Musgrove, Seay, Starke, Thornton, Walden of Coosa, Warren Wright.—29.

Mr. Irby moved to suspend the business before the House to allow the committee on ways and means to report the appropriation bill.

Lost.

Mr. Griffin of Marshall, moved to suspend.

Lost.

Leave of absence was granted to Mr. Davis, indefinitely, to Mr. Cunningham for two days, and to Mr. Goldsmith for three days.

Message from the Governor by Mr. Phelan.

Mr. Speaker, His Excellency the Governor has approved bills which originated in the House of Representatives of the following titles:

An act for the relief of Daniel G. Mays, tax collector of Greene county;

An act to amend the charter of the town of Dayton, in Marengo county;

An act to authorize the probate court to grant an order to lease lands in certain cases;

An act to enable M. M. George to remove her infant ward, A. Ellerbee English, beyond the limits of this State;

An act to incorporate Haw Ridge Academy;

An act to incorporate the Bienville hotel company of Mobile;

An act to amend the criminal laws of this State;

An act for the relief of the estate of Gray Little;

An act to incorporate the Greenville female college;

An act to incorporate the Hebrew Relief Association;

An act to incorporate the Huntsville and Big Cove turnpike company;

An act to authorize coroners of this State to appoint bailiffs;

An act to authorize justices of the peace to appoint apportioners of roads in Pickens county, and for other purposes;

An act to compensate surgeons and physicians for attending corner's inquests;

An act to amend section 3254 of the Code of Alabama;

An act to authorize the executrix of William Robinson;

Also the administrators of Robert Coles, to keep together the estates of their respective decedents, and for other purposes;

An act to amend the charter of the Mobile marine dock and mutual insurance company;

An act to authorize the judges of probate of the different counties of this State to issue attachments in certain cases;

An act to authorize the removal of the administration of the estate of Alexander M. Creagh, deceased, from the county of Wilcox to the county of Mobile;

An act to protect females from insult and injury at public assemblages;

An act to regulate the taking of affidavits in aid of judicial proceedings;

An act to incorporate Pine Grove Church, in Barbour county;

An act to incorporate the Mobile Magnolia Association, and to amend an act entitled an act to authorize the construction of a plank or shell road along the bay of Mobile, approved Feb., 10th, 1854, and the amendments thereof, approved Jan. 6th, 1856, and Jan. 20th, 1854.

WATKINS PHELAN, Private Secretary.

Mr. Lowe moved to suspend the business before the House to take up the Senate resolution to adjourn on the 17th.

Lost.

Yeas 36, nays 42.

Yeas—Messrs. Aldridge, Bowden, Brooks, Brown of Marion, Bush, Calhoun, Clapp, Clifton, Cooper, Cowan, Davidson, Forsyth, Fountain. Gilchrist, Griffin of Marshall, Hardwick, Hightower, Holley of Cov., Holley of Talla., Huckabee, Hum-

phries, Hightower, Irby, Latham, Lloyd, Lowe, Martin, Musgrove, Neal, Ramsey, Seay, Slater, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Thornton, Warren.—36.

Nays—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Carlisle, Carter, Chambers, Clitherall, Dark, Easley, Ferrell, Forney, Gibson, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Hobbs, Hubbard, Hudgins, Knox, Lane, Mabry, McMurry, Meadows, Oats, Overall, Rice, Scott, Shepard, Starke, Tate of Macon, Taylor, Walden of Coosa, Walker, Whitfield, Wright, Woods.—42.

Mr. Hudgins introduced joint resolutions to change the time of the commencing of the General Assembly, which was read.

Mr. Wright moved to lay the joint resolution on the table.

Carried.

Mr. Gilchrist introduced a bill to change the time of holding the courts in the 11th judicial circuit, which was read.

Mr. Hearin, of Clarke, moved to lay the bill on the table.

Carried.

Mr. Gilchrist introduced a bill to amend an act to regulate the fees of the judges of probate for Lowndes and Macon counties which was read first, second and third times under a suspension of the rule and passed.

Mr. Rice introduced a bill to authorize the city of Montgomery to take stock in the South and North Alabama railroad company, which was read first, second and third times under a suspension of the rule and passed.

Yeas 61, nays 13.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Chambers, Clapp, Clayton, Clitherall, Cooper, Cowan, Dark, Davidson, Easley, Ferrell, Forney, Forsyth, Fountain, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Humphries, Irby, Knox, Lane, Latham, McMurry, Musgrove, Oats, Overall, Parsons, Rice, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Thornton, Walker, Whitfield, Wright, Woods.—61.

Nays—Messrs. Carter, Clifton, Lloyd, Lowe, Martin, Meadows, Neal, Ramsey, Scott, Shepard, Starke, Walden of Coosa, Warren.—13.

Mr. Rice introduced a bill to incorporate the Montgomery loan and discount company, which was read first and second time and referred to committee on corporations.

Mr. Cooper introduced a bill to procure a complete enrollment of the military strength of this State, which was read first and second times under a suspension of the rule.

Mr. Oates moved to lay the bill on the table.

Lost.

Yeas 28, nays 43.

Yeas—Messrs. Adams, Aldridge, Bell, Bowdon, Bradley, Brooks, Bryan, Carlisle, Carter, Griffin of Jackson, Herren of Tallapoosa, Hightower, Hobbs, Huckabee, Lane, Meadows, Neal, Oates, Overall, Parsons, Ramsey, Rice, Scott, Seay, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Woods.—28.

Nays—Messrs. Bibb, Brown, of Marion, Brown of Tuscaloosa, Bush, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davidson, Ferrell, Forney, Forsyth, Fountain, Gibson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Knox, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Musgrove, Smith of Coosa, Starke, Thornton, Walden of Coosa, Walker, Warren, Whitfield, Wright.—43.

Mr. Chambers moved to amend as follows:

It shall be the duty of the several tax assessors in this State, to ascertain and report to the Adjutant-General of the State the names of all the free white males in their several counties, between the age of eighteen and forty-five, and for a failure to discharge this duty the tax assessor shall forfeit fifty per cent. of their commissions for assessing the taxes of the State.

Laid on the table.

Mr. Cooper moved to lay the amendment on the table.

Carried.

Mr. Walker by leave offered the following resolution:

*Resolved*, That the House will meet on Monday and Tuesday next week, at 7½ P. M., for the purpose of receiving reports from the committee on the judiciary.

Adopted.

Message from the Senate.

Senate, Feb. 17, 1860.

*Mr. Speaker*: The Senate has originated and passed bills with the following titles:

To amend section 1027 of the Code;

To provide for the payment of witnesses for the State, in certain cases;

To incorporate the Henry Grays, in Henry county;

To amend the charter of the city of Montgomery;

The more effectually to secure and collect fines and forfeitures, and for other purposes;

To incorporate the South Alabama manufacturing company ;  
Explanatory of, and supplemental to, an act to loan and appropriate the three per cent. fund, now pending ;

To incorporate the first Baptist church, at Wetumpka.

M. TAUL, Secretary Senate.

When the hour of 12 o'clock arrived the House proceeded to the consideration of the first special order, being the bill to incorporate the Jacksonville Insurance company. The question being upon concurring in the adverse report of the committee on corporations to the amendment of Mr. Clitherall.

Mr. Clitherall moved to lay the bill on the table.

Lost.

Yeas 16, nays 53.

Yeas—Messrs. Aldridge, Bradley, Brooks, Brown of Marion, Chambers, Clifton, Clitherall, Easley, Fountain, Hardwick, Hearin of Clarke, Hobbs, Lowe, Martin, Neal, Oats.—16.

Nays—Messrs. Adams, Bell, Bibb, Bowen, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Carlisle, Carter, Clapp, Cooper, Cowan, Dark, Ferrell, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Hubbard, Hudgins, Humphries, Irby, Knox, Latham, Lloyd, Mabry, McMurry, Meadows, Musgrove, Overall, Ramsey, Scott, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Walker, Warren, Whitfield, Wright, Woods —53.

Mr. Clitherall moved to lay the adverse report of the committee on the the table.

Carried.

The question now being on the adoption of Mr. Clitherall's amendment.

Lost.

Yeas 19, nays 51.

Yeas—Messrs. Aldrige, Bradley, Brooks, Clifton, Clitherall, Davidson, Easley, Gibson, Hardwick, Herrin of Clarke, Huckabee, Lowe, Mabry, Martin, Neal, Oats, Scott, Taylor, Warren.—19.

Nays—Messrs. Adams, Bell, Bibb, Bowen, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Calhoun, Carter, Chambers, Clapp, Clayton, Cooper, Cowan, Dark, Ferrell, Forney, Griffin of Jackson, Griffin of Marshall, Hale, Herrin of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Hudgins, Humphries, Knox, Lane, Latham, McMurry, Meadows, Musgrove, Overall, Parsons,



Ramsey, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Walker, Whitfield, Wright, Woods.—51.

Mr. Starke moved the previous question on reading the bill a third time forthwith.

Sustained.

The bill was read a third time forthwith and passed.

Mr. Hale moved to suspend the business before the House to take up the Senate bill to incorporate the Alabama Insurance and Exchange company at Tuskegee, and other insurance companies therein named.

Carried.

The bill was read the first and second times under a suspension of the rule.

Mr. Clitherall moved to amend as follows :

That Benjamin J. Hughes, Sampson N. Ferguson, James Chalmers, Alexander B. Clitherall, Sampson Nolan, John J. Lee, Lewis M. Stone, Thomas B. Gardner, Archibald Hord, Absalom S. Neal, and their associates and successors of Pickens county, are hereby incorporated under the name of Pickens Insurance company, and shall be subject to all the liabilities and be allowed all the privileges secured by this act and to the other companies herein named.

*Be it further enacted*, That John J. Seibles, James Berney, Joseph Winter, Lewis Owen, Bolling Hall, L. B. Hallinquist, and Albert Elmore, and their associates and successors in office of Montgomery county, are hereby incorporated under the name of the City Insurance company, and shall be subject to all the liabilities and be allowed all the privileges secured by this act to the other companies herein named.

*Be it further enacted*, That Alfred Holby, George A. Snowdon, Josiah Jones, John R. Salter, and such others as may hereafter become associated with them for that purpose and their successors, are hereby declared and created a body politic and corporate by the name of the Andalusia Insurance and Trust company, and by that name shall be entitled to all the privileges invested, invested with all the powers and subjected to all the restrictions which are conferred and imposed upon the Tuskegee Insurance company, by an act of the General Assembly of the State of Alabama, approved Jan. 19, 1856. Said company to have its place of business at Andalusia in Covington county, and to be entitled to all the privileges and subject to all the penalties and restrictions provided for by this existing law as applicable to said Tuskegee Insurance company.

That D. M. James, E. H. Moren, W. L. Ward, W. A. Scho-

lar, R. McQueen, and others of Bibb county, are hereby incorporated under the name of the Centreville Insurance company, and shall be subject to all the liabilities and all the privileges secured by this act to the other companies herein named.

*Be it further enacted*, That John Lawrence, James Bradford, Elijah S. Hardwick, and such others as may be associated with them, be and they are hereby incorporated by the name of the Cedar Bluff Insurance and Exchange company, to be located at Cedar Bluff in Cherokee county, and by that name shall be entitled to all the powers rights, privileges and immunities, and subject to all the limitations and restrictions provided for the most favored companies in this bill.

That James L. Price, Columbus W. Lee, Richard H. Auburn, Wm. E. Clark, David A. Boyer, Samuel A. Fitts, Sam'l Houston, and Richard H. Hudson, and their associates, &c.

That Abel Eckels, Jesse Hailey, Esau Brooks, Aaron Thompson, and others, are hereby incorporated under the name of the Dale county Insurance company, and shall be subject to all the liabilities and all the privileges secured by this act to the other companies herein named.

Adopted.

Mr. Walker moved to amend as follows:

*And be it it further enacted*, That the charter of the Merchant's Insurance company of Mobile be, and the same is hereby extended for the term of twenty years from the date of the expiration of the original charter.

When on motion, the House adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION, Feb. 17, 1860.

House met at 3 o'clock P. M.

The House resumed the consideration of the bill reported by select committee to change the tax on slaves sold by dealers and brokers.

Question being on the adoption of the substitute reported by the committee.

Mr. Parsons moved to amend as follows:

By adding to the 3d section as follows: "and it shall be the duty of each non-resident trader to obtain a separate license for each slave that he proposes to offer for sale before he offers the same for sale, and this license shall accompany the bill of sale, and if the purchaser fails to take and preserve it, the slave so purchased by him, shall be liable in his hands or the hands of any person to whom he may sell him, for the *per capita* tax which is by law imposed on all such sales.

Adopted.

The substitute was then adopted.

Yeas 39, nays 20.

Yeas—Messrs. Adams, Bell, Bibb, Bradley, Brown of Tuscaloosa, Bush, Carter, Chambers, Clapp, Easley, Ferrell, Fountain, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Talla., Hubbard, Hudgins, Humphries, Knox, Lane, Latham, McMurry, Neal, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Smith of Coosa, Tate of Macon, Tait of Wilcox, Walden of Coosa, Woods.

Nays—Messrs. Speaker, Aldridge, Brown of Marion, Carlysle, Clifton, Clitherall, Dark, Davidson, Forney, Gibson, Hale, Hardwick, Herman, Lowe, Martin, Meadows, Musgrove, Starke, Thornton, Warren, Whitfield, Wright.

Mr. Starke moved to adjourn.

Lost.

Mr. Starke moved to lay the bill on the table.

Lost.

The bill was read the third time forthwith and passed.

Mr. Ramsey moved to amend the caption as follows:

In exercise of the police power of the State, and for the protection of the people and interests of the State of Alabama.

Adopted.

Mr. Starke moved to amend the caption as follows:

A discrimination in favor of resident negro dealers in cities of this State.

Lost.

Mr. Clitherall, at half past 5 o'clock, moved to adjourn until half past 9 o'clock to-morrow.

Yeas 40, nays 22.

Yeas—Messrs. Speaker, Bowen, Bradley, Brown of Marion, Brown of Tuscaloosa, Chambers, Clitherall, Davidson, Easley, Forney, Gibson, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Humphries, Knox, Lane, Latham, Lowe, Mabry, Martin, McMurry, Neal, Overall, Rice, Scott, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Walden of Coosa, Warren, Whitfield, Woods.

Nays—Messrs. Aldridge, Bell, Bibb, Bush, Carter, Clapp, Clifton, Dark, Ferrell, Fountain, Griffin of Marshall, Hardwick, Hearin of Clarke, Holley of Covington, Hubbard, Meadows, Oats, Ramsey, Shepard, Starke, Thornton, Wright.

SATURDAY MORNING, 18th Feb. 1860.

House met pursuant to adjournment.

Mr. Hubbard moved to dispense with the reading of the journal.

Carried.

Mr. Mabry moved to take up bills on the second reading.

Lost.

The following Senate bills were read first, second, and third times under a suspension of the rule and passed :

To provide for a military education of two young men from each county in the State of Alabama ;

To incorporate the Carrollton and Eutaw railroad company ;

To incorporate the Tuscaloosa Insurance company ;

Mr. Brown of Tuscaloosa, moved to amend as follows :

Strike out the last proviso.

Adopted.

Bill read third time and passed.

To amend the patrol law of Pickens county ;

To incorporate the Aberfoil academy in Marion county ;

For the relief of the legatees of Marcus A. Flournoy, dec'd ;

To amend the attachment law in the State of Alabama ;

To define and establish the boundary line between the counties of Mobile and Washington in this State ;

To give jurisdiction to the chancery court of Madison county to authorize Charles H. Patton, trustee for Kate Moore, and guardian for Samuel Moore, to do certain things therein named ;

To authorize the Governor to issue to the heirs of Terry Bradley, dec'd, of Lauderdale county, patents for certain lands therein described ;

To authorize the corporation of Selma to appoint port wardens and inspectors ;

To legalize the establishment of Beat No. 19, in the county of DeKalb ;

A bill and joint memorial upon the subject of selections of public lands, to aid in the construction of the Girard and Mobile Railroad ;

To amend the charter of the Howard College, at Marion, Alabama ;

To authorize William C. Davis, administrator of the estate of Thomas C. Davis, deceased, to sell certain lands therein named ;

Senate bill :

To prevent the unauthorized sale of lottery tickets in the State of Alabama ; read first and second times.

Mr. Clithero moved to amend as follows :

Strike out the words "in this State," in the 5th line and in

6th line, and insert the words, "of the State" after the word "authority," in the sixth line.

Adopted.

Mr. Whitfield moved that it be referred to a select committee.

Lost.

Mr. Walker moved to amend as follows:

Provided, That license may be granted by judges of probate to any agency for the sale of lottery tickets in their respective counties, upon receiving from the party \$500 annually; and that the moneys arising under this act shall belong to the common school fund of this State.

Mr. Clitherall moved to lay Mr. Walker's amendment on the table.

Carried.

The bill was then read third time under a suspension of the rule, and passed.

Senate bill:

To incorporate the Coosa navigation and coal mining company.

Mr. Hale moved the following amendment:

Amend sixth section: strike out 25 and insert 50; strike out 10 and insert 20.

Mr. Hardwick moved to refer it to a select committee.

Referred to committee of Messrs. Hardwick, Forney, Lloyd, Carter, and Hale.

The following Senate bills were read first, second, and third times, under a suspension of the constitutional rule, and passed:

To legalize the late election of clerk of the circuit court of Winston county;

To revive and amend an act to incorporate the West Point, Georgia, and Tennessee River Railroad Company

The Senate bill to require itinerant salesmen, who sell by sample or pattern in this State, to take out a license, was read first and second times under a suspension of the rule.

Mr. Wright moved to lay it on the table.

Lost.

The bill was passed over informally until it could be examined.

The Senate bill to amend section 1825 of the Code of Alabama, was read first and second times under a suspension of the rule, and on motion of Mr. Hale was laid on the table.

The Senate bill for the relief of Macey, daughter of James L. C. Floyd, of Pike county, was read first and second times.

Mr. Ferrell moved to amend by inserting the name of Ezekiel Strickland, of Randolph county.

Adopted.

Mr. Overall moved to amend as follows:

That Oliver Brown, of Mobile county, and Martha Adams, of Perry county, be, and they are hereby relieved from the pains and penalties of bigamy, so far as they would be liable to the penalties of the law against bigamy, if they should marry again one of their husbands having abandoned her, and the other having married another woman.

Mr. Latham moved to amend the amendment as follows: by adding the name of Elizabeth J. Hutton, of Jackson county.

Mr. Hardwick moved to lay the bill and amendments on the table.

Yeas 38, nays 22.

Carried.

Yeas—Messrs. Abney, Barlow, Bell, Bowen, Bradley, Bush, Carter, Chambers, Clapp, Clifton, Clitherall, Cowan, Forney, Fountain, Gibson, Griffin of Dale, Hale, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Lane, Lloyd, Lowe, Mabry, Martin, McMurtry, Neal, Oats, Ramsey, Scott, Tate of Macon, Thornton, Warren, Whitfield.

Nays—Messrs. Adams, Aldridge, Brown of T., Carlysle, Cooper, Dark, Ferrell, Fielder, Griffin of J., Griffin of M., Holley of C., Humphries, Knox, Latham, Meadows, Overall, Rice, Slater, Smith of Coosa, Starke, Walden of Coosa, Woods.

House bills of the following titles were amended by the Senate, and the House concurred in the amendments:

To amend section 2313 of the Code, and to allow the defendants in certain cases to prove offsets;

To incorporate the Troy railroad company;

To prohibit the sale of vinous or spirituous liquors at or within one mile of the town of Centre, in Cherokee county;

To give the intendant of Orion justices' jurisdiction, and for other purposes;

To enable Ned Adkins and others, free persons of color, therein named, to become slaves.

To incorporate sundry volunteer companies.

Message from the Senate.

Senate, Feb. 18, 1860.

*Mr. Speaker:* The Senate has passed house bills with the following titles:

To establish a medical board in the county of Franklin;

- To incorporate the Huntsville gas company ;
- To extend and define the corporate limits of the city of Selma ;
- To incorporate the town of Perote, in Pike county ;
- To authorize railroad companies to execute mortgages, deeds of trust, and other securities, etc. ;
- To incorporate the town of Pikeville, in county of Marion ;
- To prohibit the sale of intoxicating liquors within the distance of three miles from Robinson Springs, and for other purposes ;
- To incorporate New China Grove, in the county of Pike ;
- To define the liability of the Mobile and Girard Railroad company ;
- To incorporate the Fair Mount Baptist Church, in Covington county ;
- In relation to hunting wild hogs in the county of Butler, and other counties ;
- To authorize Dennis Shringer to construct a turnpike across Sipsey river ;
- To renew and amend the charter of the merchants' insurance company, of the city of Mobile ;
- To amend the charter of the Shelby lime company ;
- For the relief of Isaac Franks and Tyrece Franks, of Marion county, Ala. ;
- To incorporate the Melborne Academy, in Russell county ;
- To graduate and fix the fees of the judge of probate for Barbour county ;
- To amend an act incorporating the male and female academies, at Glennville, Barbour county ;
- To incorporate Pleasant Hill Academy, in Barbour county ;
- To incorporate the Lauderdale manufacturing company ;
- To amend the charter of the North-east and South-west railroad company ;
- To make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named ;
- To incorporate the Cahaba insurance company ;
- For the relief of the securities of C. S. Collins, deceased, late tax collector of Choctaw county ;
- To increase the fees of coroners ;
- To repeal in part an act therein named ;
- For the relief of the executor of John Bloodgood, late of Mobile, deceased ;
- For the relief of Washington T. May ;
- To amend an act to charter the Alabama insurance company, approved Feb'y 8, 1858 ;
- For the relief of Chapman Roberts, late tax assessor for the county of Lawrence ;

To prevent the sale of spirituous liquors within two miles of Salem Baptist Church, in Jefferson county ;

To amend an amendatory act, approved February 9th, 1866, of an act to incorporate the town of Athens, approved January 15th, 1828 ;

To incorporate the Walker Springs company, of Clarke county.

Has amended, as therein shown, and passed the house bills with the following titles :

To charter the Planters' and Merchants' Insurance Company, of Selma ;

For the relief of John Irwin ;

To amend the charter of the city of Selma ;

To regulate the sale of spirituous liquors in and near the town of Villula ;

To give the judge of probate of Pike county jurisdiction of the estate of William B. Kyle, late of Montgomery county ;

To regulate tolls on the Monte Sano turnpike company ;

To authorize the court of county commissioners of Barbour county to refund a certain sum of money to Abner C. Flewellen ;

To prohibit the sale of spirituous or intoxicating liquors within one mile of Perryville female academy, in Perry county ;

To settle the term of office of the county treasurer of Marshall county ;

To prevent the sale of spirituous liquors within one mile of Elliottsville, in Shelby county ;

To regulate the road law in Walker county ;

For the incorporation of Six Mile town ;

To incorporate Perote male and female high school ;

To increase the compensation of bailiffs in certain counties therein named ;

To establish the Coosa county medical board ;

To incorporate the Livingston insurance company.

The Senate concurs in the amendments made by the house to the following bills :

To provide for the preparation of a revised code of the statute laws of the State of Alabama, of a general and public nature ;

To fix the times of holding the circuit courts for the seventh judicial circuit ;

Authorizing the qualified voters of each county to elect a tax assessor for the term of two years ;

To establish a board of botanic physicians in the county of Blount ;

To prevent the game of keno and other games ;



To increase the pay of jurors in the counties of Montgomery and Pickens.

The Senate has originated and passed a bill with the following title:

Supplemental to an act to supply the Insane Hospital with furniture, and prepare it for the reception and treatment of patients.

The Senate has passed the following House bill:

For the improvement of the bay and harbor of Mobile.

Has originated and passed a bill with the following title:

For the relief of Brittan and DeWolf.

Has originated and passed bills with the following titles:

To render available the two fifths of stock reserved for the State in the several banks of the State;

To amend the charter of the Uniontown and Jackson railroad company.

The Senate has passed the House bill:

To make an appropriation to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients.

The Senate has passed the House bill:

To compensate G. Y. Yelverton, commissioner to negotiate for the cession of West Florida.

The Senate has passed the following House bill:

To incorporate the Montgomery and Selma Railroad Company.

M. TAUL, Secretary Senate.

The following bills were introduced by leave, read first, second, and third times under a suspension of the rule, and passed:

Mr. Oats: to incorporate the Russellville and Tusculumbia turnpike company;

Mr. Griffin, of Marshall: in relation to the practice in justices' courts of Marshall county;

Mr. Taylor: to provide for the indigent sick in the counties of Autauga, Coosa, Pike, and Coffee; and for other purposes.

Mr. Smith, of Lauderdale, by leave, introduced the appropriation bill for the fiscal years 1860-61, which was read first and second times under a suspension of the rule.

Mr. Hobbs moved to refer the bill to the committee on ways and means.

Lost.

Mr. Overall moved to amend as follows:

Strike out "six," where it occurs in the second line of the

section relating to the pay of principal clerk of the House and Secretary of the Senate, and insert "seven."

Adopted.

Strike out "five," where it occurs in the fourth line of the section relating to the pay of the Assistant Secretary of the Senate, and the assistant and engrossing clerks of the House, and insert "six."

Adopted.

Mr. Clitherall moved to amend as follows:

And for the distribution of Smith's Alabama Justice, five hundred dollars.

Adopted.

And to the messengers of the House one dollar per day, each, for their services during the session and recess.

The bill was then read third time forthwith and passed, and ordered to the Senate.

Leave of absence was then granted to Messrs. Bowden, Bryan, Clayton, and Parsons.

Mr. Tait, of Wilcox, offered the following resolution:

*Resolved*, That hereafter leave of absence be granted to member of this House who has such leave asked for him, after his departure from the city.

*Resolved further*, That leave shall be granted to a member under no circumstances, except in cases of necessity.

Adopted.

The hour of 12 o'clock arrived, for which hour there were special orders, which on motion of Mr. Griffin, of Marshall, were suspended, to proceed with the business before the house.

Mr. Ramsey introduced a bill to amend section 3047, 1186, 3046, 3043 of the Code.

Mr. Lane introduced a bill to amend the 17th division of section 391 of the Code.

Which bills were severally read the first and second times, under a suspension of the rule, and were referred to committee on judiciary.

Mr. Starke moved to suspend all business to consider the special orders.

Lost.

Mr. Hardwick moved to suspend the business before the house to offer the following resolution:

*Resolved*, (the Senate concurring,) That the two houses of the General Assembly will adjourn *sine die* on Wednesday, the 22d inst, at 12 o'clock M.

Yeas 38, nays 28.

Carried.

Yeas—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Bush, Clapp, Clifton, Cooper, Cowan, Dark, Fountain, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Knox, Lane, Latham, Lloyd, Lowe, Martin, McMurry, Neal, Slater, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Thornton, Warren, Wright.

Nays—Messrs. Speaker, Adams, Bowen, Bradley, Brown of Tuscaloosa, Carter, Chambers, Clitherall, Easley, Ferrell, Fielder, Forney, Gibson, Griffin of Dale, Hale, Hobbs, Hubbard, Mabry, Meadows, Oats, Overall, Ramsey, Shepard, Taylor, Walden of Coosa, Walker, Whitfield, Woods.

Mr. Oats moved to amend as follows ;

Strike out "Wednesday, the 22d inst.," and insert "Monday, the 27th inst."

Which amendment was accepted by Mr. Hardwick, and the resolution as amended was then adopted.

Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles :

An act for the relief of the next of kin of Joseph Ritter, deceased, late of Montgomery county ;

An act amendatory of an act to locate the seat of justice in Jackson county, approved Dec. 17th, 1859.

An act to authorize the owners of steam grist mills in the county of Jackson to take the sixth as toll for grinding ;

An act to amend section 2138 of the Code, so as to allow the State to be sued in chancery ;

An act to loan and appropriate the three per cent. fund and its interest.

WATKINS PHELAN, Priv. Sec'y.

Mr. Oats offered the following resolution which lays over one day under the rule.

*Resolved,* That after this date no new business will be received by the House excepting the messages from the Senate, except by a concurrence of two-thirds of the members present.

*Resolved further,* That on and after the adoption of this resolution, no member shall be allowed to speak on any subject more than five minutes at any one time.

The House resumed the consideration of the bill to require

itinerant salesmen who sell by sample or patern in this State to take out license.

Mr. Walden moved to lay the bill on the table.

Lost.

Mr. Chambers moved to amend by striking out \$25,000, and insert the word \$25 00.

Mr. Hubbard moved to amend amendment by inserting in words "one hundred dollars."

Mr. Rice moved to amend the amendment by inserting in words "five hundred dollars."

Question first is upon striking out, pending which the hour half-past 1 o'clock arrived, and the House stood adjourned until 3 o'clock P. M.

#### AFTERNOON SESSION.

House met at 3 o'clock P. M.

#### REPORTS FROM PROPOSITIONS AND GRIEVANCES.

Mr. Aldridge reported adversely to the petition of A. P. Johnson and others, E. M. Hubbard and others, Reuben B. Windham and others, which reports were concurred in.

Mr. Aldridge reported adversely to the bill for the relief of B. West.

Mr. Clitherall moved to lay the report on the table.

Carried.

Mr. Clitherall moved to strike out "306" and insert "156."

Carried.

Mr. Clitherall moved to amend as follows:

*Provided*, That before the Controller shall issue his warrant for said sum, he shall cause a bond to be executed in double said sum by or for West, conditioned that if a note of the bank of the State of Alabama for \$100 00 numbered 4924, dated 5th Aug., 1837, or a note on said bank for \$50 00, dated 23rd Oct., 1844, shall hereafter come into the treasury of the State, the obligors in said bond shall refund to the State of Alabama, the amount of said bill or bills, and it shall be the duty of the State treasurer to notify the controller if said bills do come into the treasury.

Adopted.

Bill read a third time and passed.

Yeas 59, nays 20.

Yeas—Messrs. Speaker, Adams, Bell, Bibb, Bowen, Bradley, Brown of Marion, Bush, Carter, Chambers, Clapp, Clitherall, Ferrell, Fountain, Gibson, Griffin of Dale, Griffin of Jack-

son, Griffin of Marshall, Hale, Hearin of Clarke, Hightower, Hudgins, Humphries, Knox, Mabry, McMurry, Neal, Oats, Overall, Rice, Scott, Shepard, Starke, Tate of Macon, Taylor, Walden of Coosa, Warren, Whitfield, Woods.—59.

Nays—Messrs. Abney, Aldridge, Carlyle, Clifton, Cowan, Dark, Hardwick, Herren of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Huckabee, Lane, Latham, Lloyd, Meadows, Ramsey, Slater, Thornton, Wright.—20.

Mr. Chambers (for Mr. Clayton,) reported favorably on the bill to authorize Green L. Coxe of Barbour county, to practice medicine.

Mr. Brown of Marion, moved to amend as follows:

*Be it further enacted,* That the provisions of this act shall be extended to all the citizens of Alabama.

Mr. Lloyd moved to amend the amendment as follows: "And the said doctor shall also be entitled to practice law before the justices of the peace.

Mr. Chambers moved to lay the amendment and the amendment to the amendment on the table.

Question first was on laying the amendment to the amendment on the table.

Carried.

The question then was on laying the amendment on the table.

Carried.

The question then recurred on the motion of Mr. Brown, of Marion, to lay the bill on the table.

Carried.

Yeas 31, nays 25.

Yeas—Messrs. Speaker, Abney, Aldridge, Bibb, Bradley, Cooper, Cowan, Ferrell, Gibson, Griffin of Dale, Hale, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Hudgins, Humphries, Knox, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Rice, Shepard, Taylor, Thornton, Walden of Coosa, Whitfield, Woods.—31.

Nays—Messrs. Bell, Bowen, Brown of Marion, Bush, Carlyle, Carter, Chambers, Clapp, Clifton, Clitherall, Dark, Griffin of Jackson, Hardwick, Holley of Tallapoosa, Huckabee, Meadows, Neal, Oats, Overall, Ramsey, Scott, Slater, Tate of Macon, Warren, Wright.—25.

Mr. Woods, from select committee, reported a bill to authorize the legal voters of Robinson cross-roads, in Montgomery county, and the legal voters of Gainestown beat, in Clarke county to hold an election as to the sale of liquors in said beats, which

was read first, second and third times, under a suspension of the rule, and passed.

Mr. Chambers, from select committee, to whom was referred a bill to encourage direct trade between the Southern States and Europe, reported a substitute therefor.

Mr. Ramsey moved to postpone the consideration of the substitute until Monday next, at half-past 10 o'clock.

Carried.

And 133 copies were ordered to be printed.

Mr. Holley of Covington, from propositions and grievances, reported favorably on a bill for the relief of Wm. Aldridge, Joseph Morris, Wm. Kramer and Susan McNally.

Mr. Wright, from same committee, reported favorably on bill to repeal an act therein named so far as it relates to Calhoun county.

Which bills were severally read the third time forthwith, and passed.

Mr. Holley of Covington, reported adversely to the bill to J. J. Boswell.

Mr. Chambers moved to lay the report on the table, and to have leave to withdraw the account.

Carried.

Mr. Holley of Covington, reported adversely to the bill to compensate Jas. Guild and others, for arresting Wm. Kirby, a fugitive from justice.

Mr. Hale moved to lay the report on the table.

Carried.

Yeas 42, nays 17.

Yeas—Messrs. Speaker, Abney, Bell, Bowen, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Chambers, Clitherall, Cooper, Easley, Ferrell, Fielder, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Hale, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Knox, Mabry, Martin McMurry, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Starke, Tate of Macon, Thornton, Walker, Warren, Whitfield, Woods.  
—42.

Nays—Messrs. Aldridge, Bibb, Clapp, Clifton, Cowan, Dark, Gibson, Griffin of Marshall, Hardwick, Holley of Covington, Humphries, Lane, Latham, Lloyd, Meadows, Slater, Wright.  
—17.

Mr. Hale moved to amend the bill by striking out "\$600" and insert "\$300."

Mr. Tate of Macon, moved to insert \$400.

Mr. Slater moved to insert \$500.

Question first was upon striking out.

Carried.

Question was then on Mr. Slater's amendment.  
Lost.

Question was then on Mr. Tait of Macon, amendment.  
Adopted.

The bill was read third time forthwith and passed.

Yeas 41, nays 21.

Yeas—Messrs. Abney, Bell, Bowen, Bradley, Brown of Marion, Bush, Carter, Chambers, Clitherall, Cooper, Easley, Fielder, Forney, Fountain, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Knox, Mabry, Martin, Oats, Overall, Ramsey, Rice, Scott, Seay, Shepard, Starke, Tate of Macon, Thornton, Walden of Coosa, Walker, Warren, Whitfield, Woods.—41.

Nays—Messrs. Speaker, Aldridge, Bibb, Clapp, Clifton, Cowan, Dark, Ferrell, Gibson, Griffin of Marshall, Hardwick, Lighttower, Holley of Covington, Humphries, Lane, Latham, Lloyd, McMurry, Meadows, Slater, Wright.—21.

#### REPORTS FROM COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Griffin of Marshall, reported favorably to the bills to compensate E. M. Hastings, A. G. Hallmark, Wm. H. Benson, and Jacob Myers, for services rendered the State of Alabama;

Also, to bill for the relief of Lowell Jennings, late tax collector of Morgan county.

Mr. Bush reported favorably to bills:

For the relief of Chas. Hobbs, of Talladega county;

For the relief of W. H. Bennett, of Sumter county;

For the relief R. C. Howie, of Sumter county;

Mr. Gibson reported favorably to bill for the relief of Wm. J. Bracewell, of Dale county.

Also, reported substitute to bill for the relief of Aaron Harlan, and Joseph J. Johnson.

Adopted.

And the several bills were read a third time forthwith and passed.

Mr. Bush reported an amendment to the bill to compensate Wm. Houston, of Franklin county, for services rendered the State.

Adopted.

And bill read third time forthwith and passed.

Mr. Bowen moved to adjourn until half past nine o'clock on Monday.

Carried.

MONDAY MORNING, 20th Feb. 1860.

House met pursuant to adjournment.

On motion, the reading of the journal was dispensed with.

Senate bill for the relief of Martha Adams, of Perry county, and Olivia Brown, of Mobile county.

Mr. Overall moved the previous question.

Carried.

Mr. Lloyd moved to amend as follows: by adding John Woods, of St. Clair county, and that all the provisions of this act shall apply to said Woods of said county, which amendment was cut off by the previous question.

The bill was then read third time.

Mr. Clitherall moved to amend by way of engrossed ryder as follows:

That the provisions of this act shall apply to all persons against whom divorces have been granted, or who desire to marry again without divorce.

Mr. Overall moved to lay the amendment on the table.

Carried.

And the bill then passed.

Yeas 43, nays 28.

Yeas—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carter, Clapp, Clifton, Dark, Davidson, Easley, Fielder, Forney, Forsyth, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Holley of Covington, Holley of Tallapoosa, Humphries, Lane, Meadows, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Starke, Tate of Macon, Taylor, Walden of Coosa, Walker, Warren, Wright, Woods.

Nays—Messrs. Speaker, Bowen, Bradley, Carlysle, Chambers, Clitherall, Cowan, Ferrell, Fountain, Hale, Herman, Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Knox, Latham, Lloyd, Mabry, Martin, McMurry, Neal, Smith of Lauderdale, Tait of Wilcox, Thornton, Whitfield.

Mr. Hale, by leave: a bill to authorize the town of Eutaw to take stock in railroads; rule suspended, bill was read first, second, and third times and passed.

Message from the Senate.

Senate, Feb. 18th, 1860.

*Mr. Speaker:* The Senate concurs in the resolution of the House proposing that the two houses of the general assembly adjourn *sine die*, on Monday the 27th of February, at twelve o'clock, M.

M. TAUL, Secretary Senate.



Mr. Clitherall moved to reconsider the bill for the relief of Mary Ann Floyd.

Carried.

Senate bill: the question then recurred on laying the bill on the table.

Withdrawn.

Mr. Starke moved the previous question.

Carried.

Mr. Clitherall moved to amend by engrossed ryder as follows:

*Provided*, that the provisions of this act shall apply to G. W. Mitchell of Fayette.

Cut off by previous question.

Mr. Cooper moved the previous question on the passage of the bill.

Carried.

The bill was then read third time and passed.

Mr. Adams, by leave, introduced a bill to repeal certain acts therein named; bill was read first, second, and third times under a suspension of the rule, and laid on the table.

Mr. Ramsey moved to suspend business before the House to take up Senate messages.

Mr. Mabry, by leave, introduced a bill to exclude intoxicating liquors from the State Capitol during the session of the general assembly; bill was read first and second times under a suspension of the rule.

Mr. Brown of Marion, moved its reference to the committee on propositions and grievances.

Mr. Mabry called for the yeas and nays on referring.

Lost.

Yeas 13, nays 52.

Yeas—Messrs. Bradley, Brown of Marion, Bryan, Cooper, Cowan, Griffin of Dale, Holley of Tallapoosa, Knox, Rice, Smith of Lauderdale, Starke, Warren, Woods.

Nays—Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowen, Brown of Tuscaloosa, Bush, Carter, Chambers, Clapp, Clifton, Cunningham, Dark, Davidson, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Hubbard, Huckabee, Hudgins, Humphries, Lane, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Neal, Parsons, Scott, Shepard, Slater, Tate of Macon, Tait of Wilcox, Thornton, Walden of Coosa, Whitfield, Wright.

Mr. Overall moved to lay the bill on the table under consideration, when half past 10 o'clock arrived, for which hour the question being on Mr. Overall's motion to lay on the table.

Mr. Mabry moved to suspend the special order to dispose of the bill, and called the yeas and nays on suspension.

Lost.

Yeas 14, nays 55.

Yeas—Messrs. Abney, Barlow, Bell, Carlyle, Carter, Griffin of Jackson, Hardwick, Hobbs, Hudgins, Humphries, Mabry, Neal, Shepard, Warren.

Nays—Messrs. Speaker, Adams, Aldridge, Bibb, Bowen, Bradley, Brown of Marion, Bryan, Bush, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hale, Hearin of Clarke, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Lane, Latham, Lloyd, McMurry, Meadows, Oats, Overall, Ramsey, Rice, Scott, Seay, Slater, Smith of Lauderdale, Starke, Tait of Wilcox, Walden of Coosa, Walker, Whitfield, Wright, Woods.

Mr. Cooper asked leave to introduce the following joint resolution:

*Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That our Senators in Congress be instructed, and our Representatives be requested, to use all proper means to procure the passage of a law granting pensions to the officers and soldiers of the war of 1812, their widows and orphans.

The house refused leave to introduce said resolution.

Mr. Forsyth offered the following joint resolutions upon the subject of direct trade with Mexico:

WHEREAS, the valuable commerce of our nearest national neighbor, the Republic of Mexico, has been diverted by the doors of our own ports to Europe by the superior judgment and enterprise of the Government of Great Britain, which has long fostered lines of steam communication to carry that commerce, lost to the United States by the neglect of our Government, to use the obvious means to secure it to our own people; And whereas, the Gulf States of this Union, as well as the grain and provision States of the valley of the Mississippi, are deeply interested in the trade of the Mexican States. Therefore, be it—

*Resolved,* That in the opinion of this General Assembly, the confirmation of, and the participation by the United States in, the contract lately effected between Cortus Butterfield, a citizen of Virginia, and the Government of Mexico, for the establishment of a line of mail and passenger steamers between Mobile or New Orleans, and all the Gulf ports of the Republic of

Mexico, from Buones, Santiago, Sisal, in Yucatan, would tend directly to give the American bottoms the bulk of that trade, instead of less than one-sixth of it which they now enjoy, and would insure the introduction into Mexican market a vast amount of American products and manufacture.

*Resolved further,* That in view of the importance of the contract made by the said Butterfield with the Mexican Government, that our Senators and Representatives in Congress are respectfully instructed and requested to use all proper efforts to secure the concurrence of the Government of the United States in said contract.

Adopted.

#### SPECIAL ORDER.

A bill to encourage direct trade between the Southern States and foreign countries.

Mr. Overall moved to strike out 4th and 5th sections.

Mr. Aldridge called for the yeas and nays.

Yeas 31, nays 39.

Lost.

Yeas—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Bush, Carter, Clifton, Cowan, Ferrell, Forney, Gibson, Griffin of Marshall, Hardwick, Hightower, Hobbs, Holley of Covington, Huckabee, Humphries, Latham, Lloyd, Lowe, Mabry, Martin, Oats, Overall, Parsons, Taylor, Walden of Coosa, Wright.

Nays—Messrs. Adams, Bowen, Bradley, Bryan, Carlisle, Chambers, Clitherall, Cooper, Dark, Davidson, Easley, Fielder, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Meadows, Neal, Rice, Scott, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Mr. Clitherall moved to amend by inserting \$10,000.

Mr. Ramsey moved to amend by inserting \$2,500.

Mr. Smith of Lauderdale moved to amend by inserting \$5,000.

The yeas and nays were called for on Mr. Clitherall's motion.

Yeas 12, nays 55.

Lost.

Yeas—Messrs. Adams, Chambers, Clitherall, Cunningham, Forsyth, Griffin of Dale, Hudgins, Knox, Shepard, Walker, Whitfield, Woods.

Nays—Messrs. Abney, Aldridge, Barlow, Bell, Bradley, Brown of Marion, Bush, Carlisle, Carter, Clapp, Clifton, Cooper,

Cowan, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Humphries, Irby, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Oats, Overall, Parsons, Ramsey, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Walden of Coosa, Wright.

Question was then on Mr. Smith's, of Lauderdale, motion.

Yeas 33, nays 37.

Yeas—Messrs. Adams, Bowen, Bradley, Bryan, Chambers, Clitherall, Cunningham, Dark, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Hale, Herren of Tallapoosa, Hobbs, Hubbard, Hudgins, Irby, Knox, Lane, Meadows, Neal, Rice, Scott, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Nays—Messrs. Abney, Aldridge, Barlow, Bell, Brown of Marion, Bush, Carter, Clapp, Clifton, Cooper, Cowan, Ferrell, Fielder, Forney, Gibson, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Oats, Overall, Parsons, Taylor, Walden of Coosa, Wright.

Mr. Bradley moved to fill the blank with \$4,500.

Mr. Wright moved to lay the bill on the table, and called the yeas and nays.

Yeas 28, nays 45.

Lost.

Yeas—Messrs. Abney, Aldridge, Barlow, Bibb, Brown of Marion, Bush, Carter, Clapp, Clifton, Cowan, Davidson, Ferrell, Forney, Griffin of Marshall, Hardwick, Hightower, Holley of Covington, Huckabee, Humphries, Latham, Lloyd, Lowe, Mabry, McMurry, Oats, Taylor, Walden of Coosa, Wright.

Nays—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Bryan, Carlisle, Chambers, Clitherall, Cooper, Cunningham, Dark, Fielder, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Martin, Meadows, Neal, Overall, Parsons, Ramsey, Scott, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

The question then was on Mr. Bradley's motion.

Yeas 37, nays 36.

Yeas—Messrs. Speaker, Adams, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Chambers, Clitherall, Cunningham, Dark,

Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Hale, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lane, Meadows, Neal, Rice, Scott, Shepard, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Nays—Messrs. Abney, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Bush, Carter, Clapp, Clifton, Davidson, Ferrell, Fielder, Forney, Gibson, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Hightower, Holley of Covington, Huckabee, Humphries, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Oats, Overall, Ramsey, Slater, Taylor, Walden of Coosa, Wright.

Mr. Walden of Coosa, moved to amend as follows :

Add after the words counties in the 6th line of the first section of the bill, the words: also, the goods, wares, and merchandise, manufactured in any of the Southern States.

Which motion was ruled out of order.

The question then was on the passage of the bill.

Lost.

Yeas 37, nays 37.

Yeas—Messrs. Speaker, Adams, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Chambers, Clitherall, Cunningham, Dark, Fielder, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Lane, Neal, Ramsey, Rice, Scott, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Nays—Messrs. Abney, Aldridge, Bell, Bibb, Brown of Marion, Bush, Carter, Clapp, Clifton, Cooper, Cowan, Davidson, Easley, Ferrell, Forney, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Huckabee, Humphries, Knox, Latham, Lloyd, Lowe, Martin, McMurry, Oats, Parsons, Seay, Starke, Taylor, Walden of Coosa, Wright.

Message from the Senate.

Senate, Feb. 20, 1860.

*Mr. Speaker:* The Senate has originated and passed bills with the following titles :

To pay W. B. & A. R. Bell & Co., White, Pfister & Co., and N. Becker ;

For increasing the number of cells in the State Penitentiary, and for other purposes.

Has also passed the following House bills :

For the relief of Daniel K. Hunter, tax collector of Madison county ;

To repeal an act approved Dec. 3d, 1857, entitled an act to lay off Benton county into Commissioners districts, and for other purposes, so far as said act relates to the county of Calhoun ;

To authorize the Governor to deliver up certain bonds therein named.

Has amended, as therein shown, and passed the House bills :

For the protection of voters in Chambers county ;

To incorporate the Southern Guards of Dallas county ;

And refuses to concur in the amendments made by the House to the Senate bill :

To increase the pay of witnesses in the county of Montgomery.

The Senate has originated and passed :

A bill to extend the operations of section 2, of an act to amend section 397 of the Code, approved Feb. 18th, 1854, to the county of Dale.

M. TAUL, Secretary Senate.

### Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to amend the law in relation to appeals ;

An act to provide for the payment of detached halves of Bank Bills issued by the Bank of the State of Alabama and branches ;

An act for the relief of certain persons therein named ;

An act to amend the law in reference to the unlawful detainer of lands ;

An act to prevent homicides ;

An act to prohibit the sale of intoxicating liquors within the distance of three miles from Robinson Springs, and for other purposes ;

An act to amend an act to charter the Alabama Insurance company, approved Feb. 8th, 1858 ;

An act to incorporate the Tuskegee railroad company ;

An act to re-enact an act, &c ;

An act to authorize the probate judge of Madison county to act as guardian in a certain case ;

An act to re-organize and fix the times of holding the courts of chancery in the middle chancery division ;

An act to amend an act therein named, in regard to the court of county commissioners of Limestone county ;

An act to exempt justices of the peace and constables from working on roads in Randolph county Alabama ;

An act for the improvement of the bay and harbor of Mobile.

WATKINS PHELAN, Priv. Sec'y.

The hour of half past one oc'clock arrived and the House adjourned.

#### AFTERNOON SESSION, Feb. 20, 1860.

Mr. Whitfield offered a resolution.

Lost.

Mr. Rice called the attention of the Speaker to a bill upon which a select committee was appointed, viz.: Messrs. Rice, Mabry and Chambers.

#### REPORT OF THE COMMITTEE ON DIVORCE AND ALIMONY.

Mr. Starke reported favorably on the bill for the relief of Adelia Echols, of Dale county. Bill read third time and passed, and ordered forthwith to Senate.

Also, favorably on a bill to divorce Jeremiah Smith from his wife, Margaret E. Smith ; and to divorce other persons therein named, and for other purposes. The rule was suspended, bill read first, second and third times and passed, and ordered forthwith to the Senate.

Mr. Parsons, from special committee, reported a substitute to a bill to change the time of holding the circuit courts in the 9th judicial circuit. Substitute adopted ; bill read third time and passed, and ordered forthwith to the Senate.

#### REPORTS OF COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Gibson reported favorably on the bill to compensate J. F. Smith for capturing James R. Dunklin, a felon. Rule suspended ; the bill read first, second and third times, and passed.

Also, a bill to compensate G. M. C. Weems and Thomas J. Cochrane, and others, for services rendered the State and money expended therein. Rule was suspended ; bill read first, second and third times, and passed.

Also, a bill to compensate Harris & Hoyt. Rule suspended ; bill read first, second and third times, and passed.

Also, adversely to a bill to refund to John P. Gates, of Pick-

ens county, a sum overpaid by him, as tax collector, into the treasury.

Mr. Gibson moved that the report and bill be referred to the committee on ways and means.

So referred.

Also, adversely to a bill for the relief of James B. Fomur, sheriff and ex-officio jailor of Calhoun county. Report concurred in.

Also, adversely to a bill for the relief of V. J. McGill and J. C. Foster, of the county of Fayette. Report concurred in.

Mr. Griffin, of Marshall, reported favorably on the bill to compensate John L. Bunch for catching a felon, one William Douglass. Bill was read first, second and third times, under a suspension of the rule, and passed.

Also, adversely on the account of Thos. F. Ellen, jailor of Marshall county. Report concurred in.

Also, adversely to an account of C. P. Shelley. Report concurred in.

Also, reported back the petition of James M. Martin, and recommends that the petition be referred to the committee on propositions and grievances. It was so referred.

Message from the Senate.

Senate, Feb. 20, 1860.

*Mr. Speaker:* The Senate has amended, as therein shown, and passed a house bill of the following title:

To regulate the agencies of insurance companies not incorporated by the State of Alabama.

Has passed the following house bill:

To incorporate the mountain railroad contracting company.

M. TAUL, Secretary Senate.

Mr. Herman moved to re-consider the vote by which the bill to encourage direct trade between the Southern States and foreign countries was lost.

Carried, and bill re-considered.

Mr. Rice moved to re-consider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Meek moved to amend as follows the blank in section third, and add, "as is shown by the affidavit of the said importer of above, purchased the same, and the certificate of the collector of the port of the said city, which I verily believe to be true."

Mr. Meek moved to amend further by striking out all after



the word "counties," in the sixth line of the second section of the bill.

Adopted.

Mr. Rice moved to amend by inserting the word "directly" after merchandise and before imported, in the fourth line of second section of the bill.

Adopted.

The bill was read a third time and passed.

Yeas 38, nays 22.

Ayes—Messrs. Speaker, Adams, Barlow, Bell, Bowen, Bradley, Brown of Tuscaloosa, Bush, Carlisle, Carter, Chambers, Clitherall, Cunningham, Davidson, Forney, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Lane, Mabry, Meadows, Neal, Overall, Ramsey, Rice, Scott, Starke, Tait of Wilcox, Whitfield, Woods.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Clifton, Cooper, Ferrell, Gibson, Griffin of Marshall, Hardwick, Hightower, Hobbs, Holley of Covington, Huckabee, Latham, Lloyd, Martin, McMurry, Oats, Taylor, Walden of Coosa, Walker, Wright.

#### PROTEST.

The day upon which the resolution was introduced and adopted in the House of Representatives, by which the General Assembly adjourned for a recess, I was very unwell, and unable to attend; consequently, I was not allowed to vote, it being after the hour of 11 o'clock the next day before I was able to get to the House. In fact, I kept my bed two days or over after; therefore, I enter my protest against said adjournment, and consider that it was unnecessary, uncalled for, and an injudicious act of the General Assembly.

L. LLOYD.

The hour of 5 o'clock having arrived, the house adjourned until one-half past 7 o'clock P. M.

NIGHT SESSION, Feb. 20, 1860.

House met pursuant to adjournment.

#### REPORTS FROM COMMITTEE ON THE JUDICIARY.

Mr. Walker reported favorably on the Senate bill to authorize registers in chancery to appoint trustees in certain cases therein named.

Bill was read third time and passed.

Also, House bill to amend the laws in relation to public roads, amended by the committee.

Amendment adopted.

Bill was read third time and passed.

Also, favorably on the following senate and house bills, which were read third time and passed :

A Senate bill to authorize the issuance of executions from the chancery courts in certain cases.

Bill read third time and passed.

A substitute to house bill to authorize the court of county commissioners of Limestone county, or any person or persons, to build one or more bridges across Elk river, in said county.

Substitute adopted.

Bill read third time and passed.

W. Walker: a bill for the relief of the minor children of George Walker, a lunatic citizen of Jackson county.

Bill was read third time and passed.

Also, a bill to amend section 977 of the Code of Alabama, was read third time and passed.

Also, a bill for the relief of the heirs at law of M. Rembert, deceased, late of Marengo county.

Bill was read third time and passed.

Also, a bill to authorize guardians of non-resident persons of unsound mind to receive in this State personal property of such persons. With amendment which amendment was adopted.

Bill was read third time and passed.

Also, a substitute to a bill to regulate taxes on goods sold in this State.

Substitute adopted.

Bill was read third time and passed.

Yeas 45, nays 9.

Yeas—Messrs. Speaker, Bell, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Chambers, Clapp, Clitherall, Cooper, Cunningham, Dark, Ferrell, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Hightower, Hubbard, Huckabee, Hudgins, Humphries, Knox, Lane, Latham, Martin, McMurtry, Meadows, Neal, Overall, Ramsey, Rice, Shepard, Starke, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Aldridge, Bibb, Clifton, Hobbs, Irby, Lloyd, Mabry, Oats, Walden of Coosa.

Also, a substitute to a bill to amend section 3246 of the Code.

Substitute adopted.

Bill was read third time and passed.

Also, a bill to level the Tennessee river in a part of Limestone county, and for other purposes, with several amendments.

Which amendments were adopted.

Bill was read third time and passed.

Also, a bill to amend sections 1902, 1903, and 1906 of the Code, and for other purposes.

Mr. Hale moved to amend as follows:

Amend the amendment to the fifth section by adding the following proviso:

Provided, That the widow may apply at any time to have her dower and distributive share set apart for her, and shall not thereafter be supported or provided for by the executor or administrator out of the estate.

Mr. Meek (Mr. Hobbs in the chair,) moved to lay the amendment of Mr. Hale and report of the committee on the table.

Carried.

Mr. Walker moved to strike out 4th and 5th sections of the bill.

Carried.

Mr. Speaker moved to amend as follows:

Be it further enacted, That this act shall have operation or effect as to the estates of persons now deceased.

Mr. Lloyd moved to lay the bill and amendments on the table.

Question first was on laying the amendments on the table.

Lost.

Question then was on laying the bill on the table.

Carried.

Mr. Walker, from same committee, reported adversely to the following bills:

Senate bill to amend an act to compensate tales jurors.

Report concurred in.

Senate bill to provide for, and paying over, costs in certain cases.

Report concurred in.

Senate bill to provide for the payment of witnesses when slaves are convicted of capital offences and pardoned.

Report concurred in.

Senate bill to amend an act to establish jury trials in justices' courts, approved Feb. 5th, 1858.

Report concurred in.

Senate bill to amend the law as respects the lien of executions.

Report concurred in.

Senate bill to obviate captious objections, and to secure speedy trials in certain cases.

Report concurred in.

Senate bill to construe and extend the operation of sections 1991 and 1992 of the Code of Alabama.

Senate bill to repeal an act to compel the personal attendance of witnesses in civil cases.

Report concurred in.

Senate bill to more effectually prevent burglary and enticing slaves away to a non-slaveholding State.

Report concurred in.

Senate bill to prevent the evils of local legislation as to toll gates and bridges, and for other purposes therein named.

Report concurred in.

House bill for the relief of certain persons therein named.

Mr. Whitfield moved to lay the report of the committee on the table.

Carried.

The bill was then read third time and passed.

House bill to extend the jurisdiction of justices of the peace in criminal cases.

Report concurred in.

Mr. Walker, House bill to prevent frivolous defences to actions at law.

Report of committee concurred in.

House bill to regulate the drawing of grand juries for the county of Dale.

Report concurred in.

House bill for the better regulation of trains on railroads in the State of Alabama.

Report concurred in.

House bill to prevent disclosures before the grand jury.

Report concurred in.

House bill to collect in criminal prosecutions.

Report concurred in.

House bill to authorize the holding of special terms of the circuit courts in this State.

Report of committee concurred in.

House bill in relation to the duties of the judges of probate and commissioners' court.

On motion, report and bill laid on the table.

House bill to modify section 3296 of the Code of Ala.

Mr. Clitherall moved that the bill and report be referred to a select committee.

So referred to Clitherall, Hubbard and Hale.

Carried.

Also adverse to the following resolution offered by Mr. Parsons.

WHEREAS, at the last session of the Legislature of this State, several acts were passed granting certain lands unconditionally to the different railroad companies in this State, which by act of Congress had been granted to this State to aid in the construction of certain railroads in said act named; and whereas it is desirable to ascertain if it is yet in the power of the legislature to so modify said grants as to direct the lands to be sold and the proceeds of the sale invested in stock or bonds of said companies; now therefore be it

*Resolved*, That the judiciary committee be instructed to enquire and report at an early day, by bill or otherwise, their judgment in the premises, and what course of action is proper to be taken.

Report concurred in.

Also the following resolution :

*Resolved*, That the judiciary committee be instructed to enquire into the power of the legislature to pass a law authorizing W. H. Alsabrook to settle and wind up the estate of William E. Alsabrook, deceased, without taking out letters of administration, and in compliance with the prayer in the accompanying letter, and that they report by bill or otherwise.

Report of committee concurred in.

On motion of Mr. Walker, the House adjourned until tomorrow morning at half past 9 o'clock.

TUESDAY, Feb. 21, 1840.

House met pursuant to adjournment.

The reading of journal was dispensed with.

Mr. Hobbs moved to consider the Senate bill relating to incorporated companies.

Carried.

Mr. Hobbs moved an amendment, which amendment was adopted.

Bill read third time and passed.

The following bills were introduced, and read first, second and third times, under a suspension of the rule, and passed.

Mr. Barlow, (by leave), a bill to repeal an act relating to the road laws in Baldwin county, read first, second and third times and passed.

Mr. Woods: a bill for the preservation of game in Montgomery county, read first, second and third times, and passed.

Mr. Latham: a bill to amend an act in relation to the owners of public steam and grist mills, in the county of Jackson, was read first, second and third times, and passed.

Mr. Scott: a bill to regulate the time of holding the courts of the 5th judicial circuit, was read first, second and third times, and passed.

Mr. Oats: a bill to incorporate the Franklin insurance company, was read first, second and third times, and passed.

Mr. Scott moved to change his vote in relation to the bill for direct trade with foreign ports from affirmation to negative, on the passage of the bill this morning.

Mr. Griffin of Marshall, moved to reconsider the vote by which the bill for direct trade with foreign countries, was passed.

Carried.

Also to reconsider bill to second reading.

Mr. Chambers moved to amend.

Mr. Oats moved to lay the bill and amendment on the table.

Yeas 38, nays 38.

Lost.

Yeas—Messrs. Adams, Aldridge, Barlow, Bell, Bibb, Brown of Marion, Carter, Clapp, Clifton, Cowan, Dark, Davidson, Easley, Forney, Gibson, Gilchrist, Goldsmith, Griffin of Marshall. Hardwick, Hearin of Clarke, Hobbs, Holley of Covington, Hubbard, Humphries, Knox, Lane, Latham, Lloyd, Martin, McMurry, Oats, Parsons, Scott, Seay, Starke, Walden of Coosa, Warren, Wright.—38.

Nays—Messrs. Speaker, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Chambers, Clitherall, Cooper, Cunningham, Ferrell, Fielder, Fountain, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hudgins, Irby, Mabry, Meadows, Neal, Overall, Ramsey, Rice, Shepard, Slater, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.—38.

Mr. Overall moved its reference to a select committee of five. Messrs. Overall, Irby, Rice, Whitfield, and Chambers—bill so referred.

Mr. Clitherall moved to take from message.

Carried.

Senate bill supplemental to an act to supply the Insane Hospital with furniture, and prepare it for the reception and treatment of patients, which was read third time and passed.

Mr. Oats moved to suspend the regular order of business to take up resolutions.

Lost.

Mr. Lloyd moved to suspend business to allow committee on 16th section to report.

Lost.

The following Senate bills were then taken up, read first, second and third times, under a suspension of the rule, and passed.

Senate bill to incorporate the Alabama insurance and Exchange company, at Tuskegee, and other insurance companies therein named—sundry amendments offered and adopted.

Bill was read third time and passed.

Senate bill to protect guardians, was read first, second and third times, and passed.

Senate bill to provide more effectually for the trial of certain cases in the circuit courts of this State, was read first, second and third times, and passed.

Senate bill to prevent the sale of spirituous liquors within two miles of Salem Baptist Church, or within one and a quarter miles of Toulminville Church, in Mobile county, was read first, second and third times, and passed.

Senate bill for the relief of W. F. Rose, tax collector of Lawrence county, was read first, second and third times, and passed.

Senate bill to amend the charter and change the name of the South Alabama mining, manufacturing and transportation company, was read first, second and third times, and passed.

Senate bill to regulate the sale of spirituous liquors in precinct No. 5, in the county of Shelby, was read first, second and third times, and passed.

Senate bill to be entitled an act to amend an act entitled an act to fix the mode of conveying the estate of husband and wife, and for other purposes, approved 8th February, 1858, was read first, second and third times, and passed.

Senate bill to incorporate Hamner Hall, in the county of Montgomery, was read first, second and third times, and passed.

Senate bill to amend the charter of the Wetumpka insurance company, was read third time, and passed.

Senate bill to incorporate the Southern express company, read first and second times.

Mr. Woods moved to amend as follows: amend the 6th sec. by striking out the words, "severally and collectively," and by inserting the word "only" between the words "responsible" and where they occur in the section, and by striking out private where it occurs, and insert in lieu thereof, corporate, so then the section will read, that the stockholders of the company

shall, in all instances, be liable and responsible only to the full extent of their corporate property, &c.

Adopted.

Bill was read third time and passed.

Senate bill to incorporate the Alabama sewing machine company, was read first, second and third times, and passed.

Senate bill to revive an act to incorporate the Eagle railroad and lumber company, approved 17th December, 1836, and for other purposes, read first, second and third times, and passed.

Senate bill to revive and continue in force an act to incorporate the Mobile live stock and general insurance company, approved 20th December, 1851, as amended by an act entitled an act to alter and amend an act to incorporate the Mobile live stock and general insurance company, approved 20th December, 1851, approved December 12th, 1853, was read first, second and third times, and passed.

Senate bill to amend an act incorporating the Bellville male and female academy, approved 13th Feb., 1854, was read first, second, and third times and passed.

Senate bill to declare Bassett's creek in Washington county, a public highway, was read first, second, and third times and passed.

Senate bill to authorize Wm. Taylor, F. M. Gilmer, Jr., and Wm. Fowler and others, to establish a ferry across the Alabama river at Montgomery, read first, second, and third times and passed.

Senate bill to amend the charter of the town of Marion, was read first, second, and third times and passed.

Senate bill to divide Valley Beat in Pike county, into two beats, was read first, second, and third times and passed.

Senate bill to incorporate the Marion Insurance and Trust company, was read first, second, and third times and passed.

Senate bill to amend sections 383 and 384 of the Code, fixing the University fund and establishing a military department in said University; bill read first and second times and amended.

Mr. Hobbs moved to reconsider.

Carried.

Mr. Parsons moved to reconsider the vote by which the bill was ordered to a third reading.

Carried.

Mr. Parsons moved to amend the different sections of the bill by striking out 7 per cent. wherever it occurs, and insert 6 per cent.

Mr. Starke moved the indefinite postponement of the bill and amendment.



Mr. Lowe moved to lay the bill on the table.

Lost.

Yeas 30, nays 40.

Yeas—Messrs. Aldridge, Bibb, Brown of Marion, Carlisle, Clapp, Clifton, Cowan, Dark, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Humphries, Lane, Latham, Lloyd, Lowe, McMurry, Meadows, Oats, Smith of Coosa, Starke, Taylor, Walden of Coosa, Wright.

Nays—Messrs. Speaker, Adams, Bell, Bowen, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clitherall, Cooper, Cunningham, Davidson, Forney, Forsyth, Gilchrist, Griffin of Jackson, Hale, Herman, Hobbs, Hubbard, Hudgins, Irby, Mabry, Martin, Neal, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Mr. Starke withdrew his motion for indefinite postponement.

Question then recurred on Mr. Parsons' motion to strike out 7 per cent. and insert 6 per cent. in first section.

Carried.

Question then recurred on the passage of the bill; was read third time and passed.

Yeas 40, nays 31.

Yeas—Messrs. Speaker, Adams, Bell, Bradley, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clitherall, Cooper, Cunningham, Davidson, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Griffin of Jackson, Hale, Herman, Hobbs, Hudgins, Irby, Mabry, Martin, Neal, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Slater, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Taylor, Walker, Whitfield, Woods.

Nays—Messrs. Aldridge, Bibb, Brown of Marion, Carlisle, Carter, Clapp, Clifton, Cowan, Dark, Fountain, Goldsmith, Griffin of Dale, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Humphries, Lane, Latham, Lloyd, Lowe, McMurry, Meadows, Oats, Smith of Coosa, Starke, Walden of Coosa, Wright.

Senate bill to authorize Jesse Sample to sell a certain tract of land therein named, was read first and second times and referred to the committee on the judiciary.

Senate bill to establish a county court for Montgomery county, was read first and second times and referred to the delegation from Montgomery and Dallas.

Senate bill for the relief of Thomas H. Bradshaw, John

Holmes, Sr., Andrew J. Cross, and Wm. G. Falkner, was read first and second times.

Mr. Clitherall moved to lay the bill on the table.

Carried.

Mr. Walden of Coosa, moved to suspend business to take up bill.

Mr. Brown of Marion called for the yeas and nays.

Yeas 50, nays 9.

Yeas—Messrs. Adams, Aldridge, Bell, Bradley, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Carter, Clapp, Clifton, Clitherall, Cooper, Cowan, Cunningham, Davidson, Ferrell, Fielder, Forney, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hardwick, Herman, Hobbs, Holley of Covington, Hudgins, Humphries, Latham, Lloyd, Lowe, Mabry, Meadows, Neal, Oats, Overall, Parsons, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Bowen, Brown of Marion, Chambers, Dark, Gibson, Herren of Tallapoosa, Hightower, Lane, Martin.

The bill was then read third time and passed.

Message from the Senate.

Senate, Feb. 21st, 1860.

*Mr. Speaker:* The Senate has passed House bills with the following titles:

To authorize the city of Montgomery to take stock in the South and North Alabama railroad company, and in the Bank of Alabama;

To authorize George W. Thrash of Dallas county, and Daniel H. Williams of Greene county, to erect gates across certain roads therein named;

To amend an act entitled an act to incorporate the South and North Alabama railroad company;

To authorize the Governor to issue a patent in a certain case;

For the relief of the tax collector of Covington county;

To carry into effect an act of Congress, approved June, 1854, authorizing the selections of lands in lieu of sixteenth sections, within the twelve miles square reservation, in the State of Alabama;

To authorize an extension of certain 16th section notes in township 12, range 6, in Cherokee county;

For the relief of W. W. Walker, trustee of E. A. L. Walker;

To incorporate the Mobile and Spring Hill railroad company;

To authorize John S. Morayne to erect a dam across Big Will's creek;

To provide and secure copies of county newspapers for the use of the courts of said counties ;

To prevent the sale of vinous or spirituous liquors within one mile of Springville academy in St. Clair county ;

To authorize the erection of water grist mills which grind for toll ;

For the relief of the heirs of Thomas Brewer, dec'd, late of Fayette county ;

For the relief of John E. Spotswood of Madison county ;

To amend section 2673 of the Code, in relation to mechanics' lien, so far as the same relates to Montgomery county ;

To amend an act approved 4th February, 1843, amendatory of an act approved 16th December, 1859, to incorporate the town of Troy ;

To amend the road law in Washington county ;

To incorporate the Commercial College of Montgomery ;

To provide for the burial expenses of the poor ;

•To compensate Dr. F. H. Neman, *et. al.*, for a *post mortem* examination in aid of public justice ;

To compensate Seth Mabry, J. C. Hailey, and Aaron Willis, for money expended by them in arresting a fugitive from justice ;

For the relief of Eli S. Shorter, B. F. Treadwell, and other persons therein named ;

To prevent the sale of spirituous liquors within three miles of the town of Triana, Madison county ;

To amend an act to incorporate the East Alabama male college at Auburn, in Macon county, approved 1st day of Feb'y, 1856 ;

To continue the office of commissioner and trustee, and for other purposes ;

To prevent the sale of spirituous liquors, within certain limits, within the county of Madison ;

To incorporate the Southern Fire-Arms company ;

To incorporate the Mud creek camp ground, in Cherokee county ;

To prevent the people of this State from the payment of double tax in certain cases ;

Requiring the presentation of claims against the county of Dale ;

To amend an act to incorporate the town of Union Springs ;

To amend an act to provide for the indigent sick, in the counties of Autauga, Coosa, Pike, and Coffee, and for other purposes ;

In relation to the practice in justices' courts of Marshall county ;

For the relief of William Aldridge, Joseph Morris, William Kramer, and Susan McNalley ;

For the relief of Aaron H. Harlan, and Joseph H. Johnson ;

To incorporate the Jacksonville Insurance company ;

To incorporate the Montgomery mining and manufacturing company—mines located in Talladega county, Alabama ;

To incorporate a cemetery in the county of Tuscaloosa ;

To authorize M. P. Leath, of the county of Walker, to erect a mill dam across Wolf creek ;

To incorporate the male and female academy in the county of Walker ;

To incorporate the Prattville male and female academy in the county of Autauga ;

To incorporate the male and female academy at Autaugaville, in the county of Autauga ;

To authorize the administratrix of the estate of John M. Andrews, to remove the administration from the county of Coosa to the county of Chambers ;

To give the 40th chancery district of the middle division, jurisdiction in certain cases ;

To incorporate the Talladega Exchange ;

To prevent the sale of spirituous liquors in one mile of Judson academy, in Henry county ;

To authorize William E. Gilbert, and his associates, to build a dam across the Tallapoosa river in Randolph county, for manufacturing purposes ;

To regulate the pay of commissioners for the county of Dale ;

To incorporate the Samaritan Society of Mobile ;

To amend the act to incorporate the Catholic female charitable Society of Mobile, approved Feb. 5th, 1840 ;

To authorize the issuance of civil process on Sunday in certain cases ;

Repealing 476 of the Code, so far as the same relates to Winston county ;

To repeal, in part, an act therein named, so far as it relates to Marshall county ;

To change the name of Mary F. McBride, to that of Mary F. Stanford ;

To incorporate the Montgomery Plantation Goods manufacturing company ;

Has amended, as therein shown, and passed the following House bills :

To incorporate the Marion Rifles, and other military companies therein named ;

To incorporate the Metropolitan Guards ;

To amend the charter of the Alabama and Georgia railroad company, approved 19th January, 1850;

To amend section 699 of the Code, so far as Lauderdale and Coosa counties are concerned;

Has originated and passed a bill with the following title:

In reference to the sale of 16th sections.

The Senate concurs in the amendments made by the House to the Bills:

To incorporate the Tuscaloosa Insurance company;

To prevent the unauthorized sale of lottery tickets in the State of Alabama;

To amend section 43 of the Code, regulating mileage.

Has originated and passed bills with the following titles:

For the relief of John Jeter of Montgomery county;

To require the commissioners court of the several counties of this State, to furnish blanks to tax assessors;

To repeal the tax on revolving pistols in certain cases;

To revive an act entitled an act to authorize certain persons therein named to clear out pass Heron, and for other purposes, approved Feb'y 9th, 1852;

To incorporate the Pickens academy.

Has amended, as therein shown, and passed the House bill:

Making appropriations for the fiscal years 1860 and 1861.

M. TAUL, Secretary Senate.

Mr. Mabry asked leave to introduce the following resolution:

*Resolved*, That this House will meet on Wednesday evening, the 22d inst., at half past 7 o'clock, for the purpose of considering bills on their second reading, and receiving reports from the committee on internal improvements, and the committee on education.

Mr. Rice moved to reconsider the vote by which the House lease, pending which motion the hour of half past 1 o'clock arrived, and the House stood adjourned.

#### AFTERNOON SESSION, 21st Feb. 1860.

House met at 3 o'clock, P. M.

Mr. Goldsmith, by leave, introduced a bill to enable Lucy Green of Coosa county, to become a slave, and to repeal, in part, and amend an act approved 10th Feb'y, 1860; read first and second times.

Mr. Chambers moved to refer the bill to select committee of five.

Lost.

Mr. Chambers moved to strike out the 2d section of the bill.  
Lost.

Mr. Chambers moved to lay the bill on the table.

Lost.

The bill was then on motion of Mr. Clitherall, referred to a select committee of three—being Messrs. Walker, Parsons, and Rice.

Mr. Brown of Tuscaloosa, by leave: a bill to divorce Mary E. Crawford from her husband, George E. Crawford; read first, second, and third times under a suspension of the rule and passed.

#### REPORTS FROM AGRICULTURAL COMMITTEE.

Mr. Chambers reported favorably to Senate bills:

To incorporate and aid agricultural and horticultural society of Western Alabama;

To prevent stock from being killed by dogs;

Were severally read the third time and passed.

Mr. Chambers, by leave, introduced a bill supplemental to an act to incorporate the Alabama Insurance and Exchange Company, at Tuskegee, and to incorporate other insurance companies therein named;

Which was read first, second and third times, and passed under the rule.

Mr. Lloyd reported favorably to the bill to renew an act to extend the debts due the 16th section from committee on 16th section.

Mr. Clitherall moved to amend as follows:

*Provided*, That if any of said notes are handed out for suit before the extension is claimed, the maker of said notes shall not be entitled to said extension until the costs incurred are paid.

Adopted.

Mr. Clitherall moved to lay the bill on the table.

Yeas 30, nays 37.

Yeas—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Brown of Tuscaloosa, Bush, Carlisle, Clitherall, Forney, Fountain, Gibson, Hale, Holley of Covington, Holley of Tallapoosa, Hubbard, Humphries, Latham, Lowe, Mabry, McMurry, Meadows, Neal, Overall, Seay, Smith of Coosa, Starke, Tate of Macon, Taylor, Walker, Warren.

Nays—Messrs. Adams, Bell, Bradley, Brooks, Carter, Clapp, Clifton, Cowan, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa,

Herman, Hightower, Hobbs, Hudgins, Lane, Lloyd, Martin, Oats, Ramsey, Rice, Scott, Seale, Shepard, Walden of Coosa, Whitfield, Wright, Woods.

The bill was read the third time and passed.

Yeas 28, nays 32.

Yeas—Messrs. Bell, Bradley, Brooks, Carter, Clapp, Clifton, Cowan, Cunningham, Ferrell, Fielder, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hobbs, Hubbard, Hudgins, Lane, Lloyd, Oats, Ramsey, Rice, Scott, Shepard, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Brown of Tuscaloosa, Bush, Carlisle, Clitherall, Davidson, Easley, Forney, Fountain, Griffin of Dale, Herren of Tallapoosa, Herman, Hightower, Holley of Covington, Holley of Tallapoosa, Humphries, Lowe, Latham, Mabry, Martin, McMurry, Neal, Overall, Seay, Tate of Macon, Walden of Coosa, Walker, Warren.

Mr. Oats moved to adjourn until 7½ o'clock this evening.

WEDNESDAY MORNING, Feb. 22, 1860.

House met pursuant to adjournment.

The reading of the journal was dispensed with.

Amendment to the appropriation bill.

Adopted.

Mr. Hardwick, from select committee on the bill to incorporate the Coosa navigation and coal mining company, reported amendments, which were adopted.

Mr. Parsons moved to amend as follows:

Except in the town of Talladega; which amendment was adopted.

The bill was then read third time and passed.

Mr. Hubbard moved to suspend regular business to allow him to report from the committee on federal relations.

Mr. Starke called the yeas and nays.

Seconded by Mr. Bradley.

Yeas 50, nays 25.

Yeas—Messrs. Speaker, Abney, Adams, Bell, Bibb, Bowen, Bowden, Brooks, Brown of Marion, Bryan, Bush, Carlisle, Carter, Chambers, Clitherall, Cunningham, Forsyth, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Knox, Lane, Lloyd, Mabry, Martin, Meadows, Neal, Oats, Parsons, Ramsey, Rice, Scott, Shepard, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Walker, Warren, Wright.

Nays—Messrs. Aldridge, Bradley, Clapp, Clifton, Cowan, Dark, Davidson, Ferrell, Forney, Gibson, Hale, Herren of Tallapoosa, Hightower, Hobbs, Holley of Covington, Latham, Lowe, McMurry, Overall, Seay, Starke, Tait of Wilcox, Taylor, Walden of Coosa, Whitfield.

Mr. Clitherall moved to amend as follows :

By striking out the preamble.

Also, to amend the first resolution by striking out the words upon the happening of the contingency contemplated in the foregoing preamble, and inserting the words, "on the election of a President advocating the principles and actions of the party in the Northern States calling itself the Republican party."

Cut off by the previous question.

Mr. Hubbard moved the previous question.

Sustained by 4-5 on ordering the bill to a third reading.

Mr. Clitherall moved the following as engrossed ryder, to-wit :

The election of a President advocating the principles and actions of the party in the Northern States calling itself the Republican party.

Which was adopted, and was then read first, second and third times under a suspension of the rule, and passed.

Yeas 75, nays 2.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Bowen, Bowden, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Carter, Chambers, Clifton, Clitherall, Cooper, Cowan, Cunningham, Dark, Davidson, Ferrell, Fielder, Forney, Forsyth, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Knox, Lane, Latham, Lloyd, Lowe, Mabry, Martin, McMurry, Meadows, Neal, Oats, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Smith of Coosa, Smith of Lauderdale, Starke, Tate of Macon, Tait of Wilcox, Taylor, Walden of Coosa, Walker, Warren, Wright, Woods.

Nays—Messrs. Bradley, Whitfield.

Mr. Hubbard asked that the committee on federal relations be discharged.

Concurred in.

Mr. Ferrell moved to reconsider the vote by which the house yesterday refused to pass the bill to be entitled, An act to renew an act to extend the debts due the 16th section.



Mr. Clitherall moved to lay the motion to amend on the table.

Yeas 24, nays 43.

Lost, and vote re-considered.

Yeas—Messrs. Speaker, Brown of Marion, Brown of Tuscaloosa, Bush, Carlisle, Clitherall, Forney, Fountain, Gibson, Hearin of Clarke, Hightower, Hobbs, Holley of Tallapoosa, Hudgins, Latham, Lowe, Mabry, Meadows, Neal, Seay, Starke, Tate of Macon, Walden of Coosa, Warren.

Nays—Messrs. Abney, Adams, Aldridge, Bell, Bowen, Bowden, Bradley, Brooks, Bryan, Carter, Chambers, Clapp, Clifton, Cowan, Cunningham, Dark, Davidson, Ferrell, Fielder, Forsyth, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Herren of Tallapoosa, Herman, Hubbard, Huckabee, Irby, Knox, Lane, Lloyd, McMurry, Oats, Ramsey, Rice, Scott, Shepard, Smith of Lauderdale, Wright, Woods.

Question then was on the passage of the bill.

Passed.

Yeas 49, nays 27.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowden, Bradley, Brooks, Brown of M, Bryan, Carter, Clapp, Clifton, Cooper, Cowan, Cunningham, Dark, Davidson, Ferrell, Fielder, Gibson, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Herman, Hobbs, Holley of Covington, Hubbard, Huckabee, Hudgins, Irby, Knox, Lane, Lloyd, McMurry, Oats, Parsons, Ramsey, Rice, Scott, Shepard, Smith of Coosa, Smith of Lauderdale, Tait of Wilcox, Whitfield, Woods.

Nays—Messrs. Speaker, Abney, Bowen, Brown of Tuscaloosa, Bush, Carlisle, Chambers, Clitherall, Easley, Forney, Fountain, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Latham, Lowe, Mabry, Martin, Meadows, Neal, Seay, Starke, Tate of Macon, Walden of Coosa, Walker, Wright.

Mr. Brown, of Marion, moved to re-consider.

Mr. Hubbard moved to lay the motion on the table.

Carried.

Mr. Hobbs moved to re-consider the vote laying on the table a Senate bill for the relief of James Holmes and others, of Shelby county.

Mr. Irby gave notice that he would move to re-consider the vote by which the house passed on yesterday a bill to be entitled, An act to amend the charter and change the name of the South Alabama mining, manufacturing, and transportation company.

Message from the Senate.

Senate, Feb. 22, 1860.

*Mr. Speaker:* The Senate concurs in the amendments made by the House to the following bills:

To provide for an efficient military organization for the State of Alabama;

To the bill and joint resolutions on the subject of the swamp lands donated to Alabama by an act of Congress, September 28th, 1850;

For the relief of Malcey, daughter of James L. C. Floyd, of Pike county;

Relating to incorporated companies;

Has passed the following House bills:

To repeal the act of February 14th, 1856, session act, page 301, in relation to the rights and liabilities of stockholders in railroad and other companies;

To allow the probate judge of Pike county to take jurisdiction of the estate of William McCullough, deceased, of Montgomery county;

For the relief of John Lamberth, tax collector of Tallapoosa county;

For the relief of R. C. Howe of Sumter county;

For the relief of Washington C. McMahon;

For the relief of William A. Wilson, of Coosa county;

For the relief of W. H. Bennett, of Sumter county;

For the relief of William J. Bracewell, of the county of Dale;

For the relief of Charles Hobbs, of Talladega county;

To compensate William Houston, of the county of Franklin, for services rendered the State;

Preamble and joint resolutions upon the subject of direct trade with Mexico;

To compensate John W. Shepherd for his services as clerk of the committee on the judiciary of the House of Representatives;

To divorce Sarah Nichols from her husband, Edward Nichols and to divorce other persons therein named.

Has amended and passed the following House bills:

To compensate Harris and Hoyt;

To reinvest a portion of the two per cent. fund;

To incorporate the Montgomery Mounted Rifles;

To amend an act to incorporate the town of Huntsville, approved June 16th, 1844.

Has originated and passed bills with the following titles:

To abolish and establish an election precinct in the county of Mobile;

To legalize the sale of land in section 16, township 18, range 19, and to provide for a re-sale of the unsold portion of same;

To prohibit the sale of spirituous liquors in township 10, range 5 east, in Wilcox county;

To amend an act entitled an act to incorporate the Mobile omnibus company, approved January 26, 1858;

To incorporate the Greenville hotel company, in the county of Butler;

To prevent retailing spirituous liquors by slaves;

To prevent the increase of paupers in Marshall county;

For the relief of Robert S. Wilson and James Bell;

To authorize conveyance to be made by commissioners where executors, administrators, or guardians purchase the real estate of their intestate, testator or ward;

In relation to the printing of the acts of the General Assembly;

To amend the charter of the city of Wetumpka;

To continue in force the existing laws in relation to the State bank and branches;

To allow Boling Hall to establish a gate across a public road;

To incorporate the Georgia and Alabama railroad company;

Has originated and passed a bill:

Permitting Charles Short, and others to become slaves on application to the probate court of Russell county;

And concurs in the amendment made by the House to the Senate bill.

To amend section 383 and 384 of the Code, fixing the university fund and establishing a military department in said university.

M. TAUL, Secretary Senate.

Mr. Griffin of Dale, introduced a bill to regulate the issuing of executions by justices of the peace, in Dale county; rule was suspended.

Bill was read first, second and third times, and passed.

Mr. Brooks, by leave, introduced a bill to incorporate the town of Lowndesboro, in the county of Lowndes, which was read first, second and third times.

Rule dispensed with and passed.

Ordered forthwith to the Senate.

Mr. Hale moved to suspend regular business to take up Senate messages.

Carried.

Senate bill to renew an act to extend the debts due the 16th sections.

Moved to reconsider the vote by which said bill was lost in the House on yesterday.

Carried.

The bill was then reconsidered, was read third time and passed.

The following Senate bills were then taken up and the rule dispensed with, were read first, second and third times, and passed.

Senate bill to allow creditors without liens to file bills for the collection of debts in certain cases, was read first, second and third times, and passed.

Senate bill to incorporate the Randolph mining, manufacturing and transportation company, was read first, second and third times, and passed.

Senate bill to amend the charter of the Cahaba, Marion and Greensboro railroad company, was read first, second and third times, and passed.

Senate bill to loan a part of the three per cent. fund to the Uniontown and Jackson, Selma and Gulf railroad, and Cahaba, Marion and Greensboro railroad companies, was read first and second times, and ordered to a third reading.

Mr. Starke moved to amend.

Mr. Parsons moved that the bill and amendments be referred to the committee on internal improvements.

Mr. Griffin of Jackson, moved to postpone the consideration of said bill until 10 o'clock on Friday next.

The yeas and nays were demanded.

Yeas 31, nays 42.

Lost.

Yeas—Messrs. Adams, Bell, Carter, Clapp, Clifton, Cooper, Cowan, Dark, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Hudgins, Knox, Lane, Latham, Lloyd, Lowe, Meadows, Neal, Parsons, Scott, Smith of Coosa, Starke, Taylor.

Nays—Messrs. Speaker, Abney, Aldridge, Bibb, Bowen, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carlyle, Chambers, Clitherall, Cunningham, Easley, Ferrell, Fielder, Forney, Gibson, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Huckabee, Irby, Mabry, Martin

McMurry, Oats, Overall, Ramsey, Rice, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Wright, Woods.

Mr. Starke moved to postpone the consideration of the bill until 12 o'clock to-morrow.

Mr. Chambers moved for a division of the question, first on postponing.

Yeas and nays were called.

Yeas 29, nays 41.

Yeas—Messrs. Bell, Brown of Marion, Carter, Clapp, Clifton, Cooper, Cowan, Dark, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Hudgins, Knox, Lane, Latham, Lloyd, Lowe, Meadows, Neal, Parsons, Scott, Smith of Coosa, Starke, Taylor.

Nays—Messrs. Speaker, Abney, Aldridge, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clitherall, Cunningham, Easley, Ferrell, Fielder, Forney, Gibson, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Huckabee, Irby, Mabry, Martin, McMurry, Oats, Overall, Rice, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Wright, Woods.

Mr. Lowe moved to lay the bill on the table.

Lost.

Yeas 30, nays 42.

Yeas—Messrs. Adams, Bell, Bryan, Carter, Clapp, Clifton, Cooper, Dark, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Hudgins, Knox, Lane, Latham, Lloyd, Lowe, McMurry, Meadows, Neal, Parsons, Scott, Smith of Coosa, Starke.

Nays—Messrs. Speaker, Abney, Aldridge, Barlow, Bibb, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bush, Chambers, Clitherall, Cunningham, Easley, Ferrell, Fielder, Forney, Gibson, Gilchrist, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Huckabee, Irby, Mabry, Martin, Oats, Overall, Ramsey, Rice, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walker, Whitfield, Wright Woods.

Mr. Knox moved an adjournment.

Lost.

Mr. Lowe moved a call of the House.

Lost.

Mr. Starke moved to adjourn, and called the yeas and nays.

Lost.

Yeas—Messrs. Bell, Bibb, Clapp, Clifton, Cooper, Dark, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Knox, Lane, Latham, Lloyd, Lowe, McMurry, Meadows, Scott, Smith of Coosa, Starke, Walden—26.

Nays—Messrs. Speaker, Abney, Adams, Aldridge, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Burgess, Bush, Carlisle, Carter, Chambers, Clitherall, Cunningham, Ferrell, Fielder, Forney, Forsyth, Gibson, Hale, Hearin of Clarke, Herman Hightower, Hobbs, Hubbard, Huckabee, Hudgins, Irby, Mabry, Martin, Neal, Oats, Overall, Ramsey, Shepard, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Wright, Woods—45.

The question then recurred on the previous question.

Mr. Overall in the chair decided that the previous question could only be sustained by four-fifths, from which decision Mr. Cooper appealed.

The yeas and nays were called, and chair sustained.

Yeas 44, nays 19.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Marion, Bryan, Bush, Carlisle, Clitherall, Cowan, Cunningham, Easley, Ferrell, Fielder, Forney, Forsyth, Gilchrist, Hale, Hearin of Clarke, Herman, Hightower, Hobbs, Hubbard, Irby, Mabry, Martin, McMurry, Oats, Ramsey, Rice, Shepard, Smith of Coosa, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Adams, Carter, Chambers, Clifton, Cooper, Dark, Fountain, Goldsmith, Griffin of Jackson, Hardwick, Herren of Tallapoosa, Knox, Lane, Latham, Lloyd, Lowe, Meadows, Scott, Starke.

Mr. Lowe moved to reconsider the vote by which the House suspends the previous question.

Mr. Hale moved to lay on the table.

Yeas 43, nays 19.

Yeas—Messrs. Abney, Adams, Bell, Bowen, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bryan, Bush, Carter, Chambers, Clitherall, Cunningham, Easley, Ferrell, Forney, Forsyth, Gibson, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Mabry, Martin, McMurry, Oats, Parsons, Ramsey, Rice, Shepard, Smith of Lauderdale, Tate of Macon, Tait of Wilcox, Walden of Coosa, Walker, Whitfield, Wright, Woods.

Nays—Messrs. Aldridge, Clapp, Clifton, Cooper, Goldsmith,

Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Knox, Lane, Latham, Lloyd, Lowe, Meadows, Scott, Starke.

The bill was then ordered to a third reading.

Mr. Goldsmith moved to adjourn.

Lost.

Mr. Parsons moved to take from the Senate messages the bill to sell the two-fifths of the bank stock reserved to the State.

Mr. Rice moved for the yeas and nays.

Lost.

Yeas 24, nays 39.

Yeas—Messrs. Bell, Bowen, Bradley, Carter, Clapp, Cooper, Dark, Ferrell, Forsyth, Goldsmith, Hardwick, Herren of Tallapoosa, Holley of Covington, Holley of Tallapoosa, Huckabee, Latham, McMurry, Meadows, Neal, Parsons, Smith of Coosa, Walden of Coosa, Walker, Wright.

Nays—Messrs. Speaker, Abney, Aldridge, Brown of Marion, Bryan, Bush, Chambers, Clifton, Clitherall, Cowan, Cunningham, Easley, Fielder, Forney, Fountain, Gibson, Gilchrist, Griffin of Dale, Griffin of Jackson, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Irby, Knox, Lane, Lloyd, Mabry, Martin, Oats, Ramsey, Rice, Shepard, Tate of Macon, Tait of Wilcox, Taylor, Whitfield, Woods.

Mr. Hobbs offered the following resolution:

*Resolved*, That from and after the passage of this resolution, so much of the rules of this House as fixes a particular hour for adjournment, shall be rescinded.

Lies over one day.

Senate bill to amend the law authorizing suits to be brought by or against married women, was read first and second times, and laid on the table.

Message from the Governor.

*Mr. Speaker*: His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act to give the probate judge of Pike county, jurisdiction of the estate of William B. Kyle, late of Montgomery county;

An act to renew and amend the charter of the Merchants' insurance company of the city of Mobile;

An act to incorporate the Lauderdale manufacturing company;

An act to authorize Dennis Springer to construct a turnpike across Lipsey river;

An act to prevent the sale of spirituous liquors within one mile of Elliottsville, in Shelby county;

An act to make appropriations to supply the Insane Hospital with furniture, and to prepare it for the reception and treatment of patients;

An act to graduate and fix the fees of the judge of probate for Barbour county;

An act to amend an act incorporating the male and female academies, at Glennville, in Barbour county;

An act to incorporate Welborne academy, in Russell county;

An act to authorize railroad companies to execute mortgages, deeds of trust, other securities, &c. ;

An act to amend the act to incorporate the Catholic Female Christian Society, of Mobile, approved Feb. 5th, 1840 ;

An act for the relief of the securities of C. S. Collins, deceased, late tax collector of Choctaw county ;

An act for the relief of Isaac Franks and Tyrece Franks, of Marion county, Alabama ;

An act to define the liability of the Mobile and Girard railroad company ;

An act to incorporate the Huntsville gas company ;

An act to establish a medical board in the county of Franklin ;

An act to amend the charter of the Shelby lime company ;

An act in relation to hunting wild hogs in the county of Butler, and other counties ;

An act for the relief of Washington T. May ;

An act to repeal in part an act therein named ;

An act to incorporate the Fair Mount Baptist church, in Covington county ;

An act to settle the term of office of the county treasurer of Marshall county ;

An act to increase the fees of coroners ;

An act to incorporate the town of Perote, in Pike county ;

An act to authorize the Governor to deliver up certain bonds therein named ;

An act to repeal an act, approved Dec. 3d, 1857, entitled an act to lay off Benton county into commissioners' districts, and for other purposes, so far as said act relates to the county of Calhoun ;

An act for the relief of Daniel K. Hunter, tax collector of Madison county ;

An act to regulate the road law in Walker county ;

An act to compensate G. T. Yelverton, commissioner, to negotiate for the cession of West Florida ;



An act to prevent the sale of spirituous liquors within two miles of Selma Baptist church in Jefferson county ;

An act to amend an amendatory act, approved Feb. 9, 1856, of an act to incorporate the town of Athens, approved January 15, 1828 ;

An act for the relief of Chapman Roberts, late tax assessor of the county of Lawrence ;

An act to amend the charter of the North-East and South-West railroad company ;

An act to prohibit the sale of spirituous or intoxicating liquors within one mile of Perryville female academy, in Perry county ;

An act to incorporate the town of Oxford, in Calhoun county ;

An act to regulate tolls on the Monte Sano turnpike company ;

An act for the relief of Aaron Harlan and Joseph H. Johnson ;

An act to incorporate the Montgomery plantation goods manufacturing company ;

An act to incorporate Perote male and female high school ;

An act for the relief of the executors of John Bloodgood, late of Mobile, deceased ;

An act to amend section 2313 of the Code of Alabama, and to allow the defendants in certain cases to prove offsets ;

An act to authorize the court of county commissioners of Barbour county to refund a certain sum of money to Abner C. Flewellen ;

An act to incorporate New China Grove, in the county of Pike ;

An act for the incorporation of Six Mile town ;

An act to charter the Planters' and Merchants' insurance company of Selma ;

An act to extend and define the corporate limits of the city of Selma ;

An act to incorporate the Cahaba insurance company ;

An act to incorporate sundry volunteer companies ;

An act to prohibit the retailing of vinous or spirituous liquors at or within one mile of the town of Centre, in Cherokee county ;

An act to regulate the sale of spirituous liquors in and near the town of Villula ;

An act to incorporate Pleasant Hill academy, in Barbour county ;

An act for the relief of John Irwin ;

An act to incorporate the town of Pikeville, in Marion county;

An act to incorporate the Walker Springs company of Clarke county;

An act to give to the intendant of Orion, justices' jurisdiction, and for other purposes;

An act to enable Ned Adkins, and other free persons of color, therein named, to become slaves.

WATKINS PHELAN, Private Sec'y.

#### AFTERNOON SESSION, Feb. 22, 1860.

House met pursuant to adjournment.

The following bills were introduced; constitutional rule was dispensed with; bills read first, second, and third times, and passed:

Mr. Holley, of Tallapoosa: a bill to revive and amend the charter of the Tallapoosa and Coosa railroad company;

Was read first, second, and third times and passed.

Mr. Mabry: a bill to amend the charter of the Selma gas light company;

Was read first, second, and third times, and passed.

Mr. Griffin, of Marshall, from committee on accounts and claims, reported favorably on bill for the relief of the estate of Morgan Smith, deceased, of Lowndes county.

Bill was read third time and passed.

Mr. Woods, by leave, introduced a bill for the relief of F. Glackmyer, which was read first and second times under a suspension of the rule.

Mr. Starke moved to lay the bill on the table.

Seconded by Mr. Brown, of Marion.

Mr. Ramsey moved to refer the bill to committee on accounts and claims.

Lost.

On motion, the bill was read third time and passed.

Mr. Rice, from select committee, reported amendment to Senate bill to impose a tax upon itinerant book and periodical agents, and to increase the tax on peddling in the State of Alabama.

Amendment adopted.

Bill read third time and passed, and ordered to the Senate.

Mr. Parsons, from select committee, reported a substitute to a bill to enable Lucy Greene, of Coosa county, and Cora, of Chambers county, free persons of color, to become slaves; and to repeal the 5th section of an act approved tenth February, 1860.

The substitute was adopted.

Bill read third time and passed, and ordered to the Senate forthwith.

Mr. Adams moved to suspend regular business to take up bill to incorporate the Greenville, Troy, and Livingston insurance companies.

Lost.

Mr. Chambers, from select committee on bill to encourage direct trade between the Southern States and foreign countries, reported amendment, which was adopted.

Mr. Forney moved to amend by excepting hardware, cutlery and crockery.

Adopted.

The bill was then read third time and passed, and ordered to the Senate.

Mr. Holley, of Covington, called the yeas and nays.

Seconded by Mr. Walden, of Coosa.

Yeas 48, nays 22.

Yeas—Messrs. Speaker, Adams, Bell, Bibb, Bowen, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush Carlysle, Chambers, Clapp, Clitherall, Cooper, Dark, Davidson, Ferrell, Fielder, Forney, Fountain, Gilchrist, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Lane, Mabry, Martin, McMurry, Meadows, Neal, Overall, Ramsey, Rice, Smith of Coosa, Tate of Macon, Tait of Wilcox, Taylor, Whitfield, Woods.

Nays—Messrs. Aldridge, Brown of Marion, Carter, Clifton, Cowan, Easley, Gibson, Goldsmith, Hardwick, Hobbs, Holley of Covington, Humphries, Knox, Latham, Lloyd, Lowe, Oats, Parsons, Seay, Starke, Walden of Coosa, Wright.

Mr. Brown, of Marion, offered the following resolution :

*Resolved*, That this house do now adjourn as a token of its respect to George Washington, the great Southron, who was born Feb. 22, 1732, in Westmoreland co., Virginia; who was first in war, first in peace, and first in the hearts of his countrymen.

Lost.

Mr. Overall moved to record his vote in favor of resolution on federal relations.

Mr. Gilchrist moved to suspend regular business to take from Senate message the bill to permit Charles Short and others to become slaves, on application to the probate court of Russell county.

The bill was then read first, second and third times under a

suspension of the rule, and passed, and ordered to the Senate forthwith.

Committee on county boundaries reported favorably on the following bills:

Rule suspended with ; bills read first, second and third times, and passed :

Mr. Hearin, of Clarke: a bill to change the county lines between the counties of Jefferson and Shelby ;

Was read first, second and third times and passed.

Mr. Irby moved to take up Senate bill for the relief of Thos. Killough.

Lost.

Mr. Lowe moved to take from the general orders of the day a bill to allow certain persons to work a certain road therein named.

Lost.

Mr. Clitherall moved to suspend regular business to allow the committee on corporations to report.

Lost.

Mr. Woods, from select committee, reported favorably substitute to a bill to amend section 992 of the Code.

Read first, second and third times under a suspension of the rule, and passed.

Mr. Cowan, from select committee on a bill to establish and define the line between the counties of Jackson and Dekalb, reported a substitute, which was adopted.

Bill read third time and passed, by 2-3 vote.

Committee on 16th sections reported favorably on the following bills ; rule suspended ; read third time and passed :

Mr. Lloyd: a bill for the benefit of the inhabitants of township 4, range 9 west, in the county of Lawrence.

Mr. Hobbs moved an amendment.

Mr. Hubbard moved to lay the amendment on the table.

Carried.

The bill was then read third time and passed, and ordered forthwith to the Senate.

Mr. Lloyd: a bill for the relief of Thomas Killough, with amendment.

Bill was laid on the table.

Mr. Irby moved to take up the Senate bill.

Carried.

The rule dispensed with : the bill was read first, second and third times, and passed.

Mr. Lloyd: a bill for the relief of Elizabeth Brooks, in Coffee county.

Bill was read third time and passed.

Mr. Lloyd: a bill for the relief of Jesse B. Wallis, of the county of Walker, with amendment.

Adopted.

Was read third time and passed.

Mr. Lloyd: a bill for the relief of the heirs of John E. Sentell, deceased.

Was read third time and passed.

Mr. Lloyd: a Senate bill for the relief of Daniel Lankford, of Fayette county.

Was read third time and passed.

Mr. Lloyd: a bill to allow James H. Owen, of Choctaw county, to extend his 16th section debt; reported a substitute, which was adopted.

Bill was read a third time and passed.

Mr. Brown, of Marion, asked leave of the house to offer a resolution.

Lost.

Mr. Hobbs moved to adjourn until 7½ o'clock.

Mr. Hobbs called the yeas and nays.

Seconded by Mr. Holley, of Covington.

Yeas 39, nays 24.

Yeas—Messrs. Adams, Bradley, Bryan, Carlysle, Chambers, Clitherall, Cooper, Cowan, Dark, Davidson, Ferrell, Fountain, Gibson, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Knox, Lane, Latham, Mabry, Neal, Ramsey, Shepard, Tait of Wilcox, Walden of Coosa, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Aldridge, Bell, Bibb, Brooks, Brown of Marion, Brown of Tuscaloosa, Bush, Carter, Clapp, Clifton, Easley, Forney, Gilchrist, Griffin of Marshall, Lloyd, Martin, McMurry, Meadows, Overall, Rice, Smith of Coosa, Starke, Tate of Macon, Taylor.

Mr. Hobbs moved that the evening session be devoted to reports from committees on internal improvements and education.

No quorum.

Mr. Starke moved an amendment.

Lost.

Mr. Clitherall moved to reconsider the vote by which the House agreed to meet at one-half past 7 o'clock.

Mr. Hobbs called the yeas and nays.

Seconded by Mr. Humphries.

Yeas 35, nays 30.

Yeas—Messrs. Adams, Bibb, Brown of Tuscaloosa, Bryan, Carlyle, Chambers, Cooper, Cowan, Dark, Ferrell, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hearin of Clarke, Hightower, Hobbs, Holley of Covington, Holley of Tallopoosa, Hubbard, Hudgins, Humpries, Knox, Lane, Latham, Lloyd, Mabry, Neal, Shepard, Ramsey, Walden of Coosa, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Aldridge, Bell, Bradley, Brooks, Brown of Marion, Bush, Carter, Clapp, Clifton, Clitherall, Davidson, Easley, Forney, Griffin of Dale, Griffin of Marshall, Hardwick, Irby, Lowe, Martin, McMurry, Meadows, Overall, Rice, Seay, Smith of Coosa, Starke, Tate of Macon, Tait of Wilcox, Taylor.

Mr. Lloyd: a bill for the relief of Daniel Johnston, of Macon county.

Committee reported adversely to its passage.

Report concurred in.

Mr. Lloyd: adversely to a bill to authorize the trustees of township 16, of range 16, in Montgomery county, to collect notes due said township.

Reported amendment, which was adopted. Amendment under consideration when the house adjourned.

Mr. Lloyd, from committee on 16th sections, reported favorably on a bill to authorize the issuance of a patent to W. J. Caldwell.

The rule was dispensed with, and bill read first, second, and third times, and passed.

Message from the Senate.

Senate, Feb. 22, 1860.

*Mr. Speaker:* The Senate has originated and passed bills of the following titles:

To make the provisions of sections 9, 10, and 11, of an act entitled An act to incorporate the Russell railroad company, approved 10th day of February, 1860, applicable to the Opelika and Oxford railroad company;

To authorize the corporate authorities of Wetumpka to subscribe to the capital stock of the North and South Alabama R. R., and the Bank of Alabama; and for other purposes;

Supplemental to an act to incorporate the Jacksonville insurance company, now pending in the General Assrmblly.

The Senate concurs in the amendments made by the House to the bill to compensate the solicitors in the litigation between Georgia and Alabama, in respect to the boundary line between said States.

The Senate has originated and passed a bill to amend an act to incorporate the Alabama fire and marine insurance company.

M. TAUL, Secretary Senate.

On motion of Mr. Holley of Tallapoosa, the House adjourned until half past 7 o'clock.

EVENING SESSION, 22d Feb'y, 1860.

House met pursuant to adjournment.

House bill to incorporate the Livingston Insurance company ; the house concurs in the Senate amendment.

Senate bill to incorporate the Greenville Insurance company, in the county of Butler, was read 2d time.

Mr. Clitherall moved to amend as follows :

By adding at last word, last section : under penalty of forfeiture of its charter.

Adopted.

The bill was then ordered to a third reading ; was read third time and passed.

The following Senate bills was then taken up, rule was suspended, and bills read first, second, and third times and passed :

Senate bill to incorporate the Troy Insurance company, in Pike county, was read third time and passed.

Senate bill to incorporate the Greenville hotel company, in Butler county, was read first, second, and third times and passed.

Senate bill supplemental to an act to incorporate the Jacksonville Insurance company, now pending in the General Assembly, was read first, second, and third times and passed.

Senate bill to incorporate the Georgia and Alabama railroad company, was read first, second, and third times and passed.

Senate bill for the relief of Louis Dolin, tax collector of Baldwin county, was read first, second, and third times and passed.

Senate bill for the relief of Robert Curtis, of Choctaw county, was read first, second, and third times and passed.

Senate bill to amend the charter of the city of Wetumpka, was read first and second times.

Mr. Walden of Coosa, moved to amend as follows :

Strike out one thousand in the first section of the bill, and insert two thousand in the 10th line.

Adopted.

Bill was read third time and passed.

## COMMITTEE ON LOCAL LEGISLATION REPORTS.

Mr. Clitherall reported favorably on Senate bill incorporating the town of Rockford, in Coosa county ; the rule was suspended, the bill was read first, second, and third times and passed.

Mr. Clitherall: Senate bill for the relief of Brittain & De-Wolf, was read first and second times under a suspension of the rule, and referred to a special committee of five—Messrs. Ramsey, Woods, Hudgins, Clitherall, and Overall.

Mr. Clitherall: adversely to the bill to authorize W. W. Jemison, of Chambers county, to practice medicine and charge for the same.

Mr. Meadows moved to lay the report on the table.

Bill was then read third time and passed.

Mr. Brown of Marion, moved to take up the bill to re-enact the provisions of an act to locate permanently the seat of justice in Marion county, approved 2d Feb., 1858.

Carried.

The bill was then read a third time and passed.

## COMMITTEE ON CORPORATIONS REPORTS.

Mr. Hale reported favorably on the bill to extend the Opelika and Oxford railroad company, the provisions of sections 9, 10, and 11, of an act entitled an act to incorporate the Russell railroad company ; bill was read third time and passed.

## COMMITTEE ON PROPOSITIONS AND GRIEVANCES REPORTS.

Mr. Holley of Covington, reported adversely to the bill for the relief of Wm. Gilmer, of Cherokee county.

House refused to concur.

Mr. Cooper moved to strike out \$180 00, and insert \$60 00.

Adopted.

Bill was read third time and passed.

Mr. Chambers moved to take from the table the bill to authorize Green S. Cox, of Barbour county, to practice medicine.

Mr. Griffin of Jackson, moved to amend by adding the names of McLein and Shipp, of Jackson county.

Lost.

Mr. Lloyd called the yeas and nays, seconded by Mr. Herren.

Yeas 36, nays 18.

Carried.

Yeas—Messrs. Adams, Barlow, Bell, Bibb, Bowen, Brown of Marion, Brown of Tuscaloosa, Bush, Carlisle, Carter, Chambers,



Clifton, Clitherall, Cooper, Dark, Fielder, Forney, Fountain, Griffin of Jackson, Griffin of Marshall, Hale, Holley of Covington, Hudgins, Lane, Latham, Meadows, Neal, Oats, Overall, Ramsey, Rice, Scott, Shepard, Whitfield, Wright, Woods.

Nays—Messrs. Speaker, Abney, Aldridge, Cowan, Ferrell, Gibson, Gilchrist, Hearin of Clarke, Herren of Tallapoosa, Hightower, Hobbs, Humphries, Knox, Lloyd, Mabry, McMurry, Smith of Coosa, Walker.

The bill was then read third time and passed.

Mr. Cooper offered the following resolution :

*Resolved*, That it is the sense of this house that each member may call up one local bill, or one report, when a call shall be made alphabetically according to counties.

Adopted.

House bill to amend the charter of the Alabama and Georgia railroad company, approved 19th January, 1850.

The amendment of the Senate concurred in by the house.

Mr. Scott moved to reconsider Mr. Cooper's rule.

Mr. Walker, from committee on the judiciary, reported a substitute to bill to transfer the counties of Covington and Conecuh from the second chancery district of the Southern chancery division, to the chancery district of said division composed of the county of Butler.

Substitute adopted.

Bill read third time and passed.

Senate bill declaring Omesa creek and other streams in Mobile county public highways, referred to the Mobile delegation.

Mr. Walker, from judiciary committee, reported favorably on a bill to authorize the removal of the estate of Dennis Hodge, dec'd, from Butler county to the State of Louisiana; the bill was read third time and passed.

Mr. Rice offered the following resolution :

*Resolved*, That the rules of the house be so changed, that immediately upon the adoption of this resolution, and the change hereby proposed and made, the call of the counties be continued from the counties last called on the night of the 22d February, 1860, until all the counties not called on said day are called; and that on such call each member from the county so called, be allowed to call up any local bill for consideration and action, or report on any local subject he may designate.

Mr. Clitherall moved that the house adjourn.

Carried.

House stood adjourned until to-morrow morning, at 9½ o'clock.

THURSDAY MORNING, 23d Feb'y, '60.

House met pursuant to adjournment.

Reading of the journal was dispensed with.

The following bills were introduced, the rule dispensed with, bills read first, second, and third times and passed :

Mr. Holley of Tallapoosa: a bill to constitute Eveline A. Tichener a free dealer, was read first, second, and third times and passed.

Mr. Walker, from the judiciary committee, reported favorably on the bill to establish a city and county court for the city and county of Montgomery.

Report concurred in.

Bill was read third time and passed.

Mr. Starke, from committee on local legislation, reported favorably on the bill to authorize justices' of the peace to appoint overseers of roads, and for other purposes, in Coosa county.

Bill was read third time and passed.

Mr. Forsyth moved to take up the bill to loan a part of the 3 per cent. fund to the Uniontown and Jackson, Selma and Gulf railroad, and Cahaba, Marion and Greensboro' railroad companies.

Carried.

Mr. Irby moved the previous question.

Yeas and nays called.

Yeas 46, nays 26.

Yeas—Messrs. Speaker, Abney, Aldridge, Barlow, Bell, Bibb, Bowden, Bradley, Brooks, Brown of Tuscoloosa, Bryan, Bush, Carter, Chambers, Clitherall, Cunningham, Easley, Ferrell, Fielder, Forney, Forsyth, Gibbs, Gilchrist, Hale, Hearin of Clarke, Herman, Hobbs, Hubbard, Humphries, Irby, Mabry, Martin, McMurry, Neal, Oats, Overall, Ramsey, Rice, Seay, Shepard, Tate of Macon, Tait of Wilcox, Taylor, Walker, Whitfield, Woods.

Nays—Messrs. Adams, Clapp, Clifton, Cooper, Dark, Davidson, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Hudgins, Knox, Lane, Latham, Lloyd, Meadows, Smith of Coosa, Starke, Walden of Coosa, Warren, Wright.

The bill was then read third time and passed.

Yeas 47, nays 27.

Yeas—Messrs. Speaker, Abney, Aldridge, Barlow, Bibb, Bowen, Bowden, Bradley, Brooks, Brown of Tuscaloosa, Bryan, Bush, Chambers, Clitherall, Cunningham, Davidson, Easley, Ferrell, Fielder, Forney, Forsyth, Gibson, Gilchrist, Hale,

Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Mabry, Martin, McMurry, Neal, Oats, Overall, Ramsey, Rice, Seay, Shepard, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Woods.

Nays—Messrs. Adams, Bell, Carter, Clapp, Clifton, Cooper, Dark, Fountain, Goldsmith, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hardwick, Herren of Tallapoosa, Holley of Covington, Hudgins, Humphries, Knox, Latham, Lloyd, Meadows, Scott, Smith of Coosa, Starke, Walden of Coosa, Warren, Wright.

Ordered forthwith to the Senate.

The following Senate bills were taken up and read third time and passed:

Senate bill to pay W. B. & A. R. Bell, White, Pfister & Co., and F. Beck.

Bill was read third time and passed.

Senate bill declaring Omnesa creek in Henry county and other streams in Mobile county, public highways, was read third time and passed.

Senate bill to incorporate the Central Warehouse company, was read third time and passed.

Senate bill to authorize the court of county commissioners of Franklin county, to build a bridge in the corporation of Tuscumbia.

Mr. Oats moved to amend as follows:

Strike out the words shall appropriate, and set apart where they occur in the first section of the bill, and insert in lieu thereof the words may appropriate, and set apart if they deem it necessary and proper.

Adopted.

Bill was read third time and passed.

Senate bill to incorporate the Mobile Turner company, was read third time and passed.

Senate bill to incorporate the Henry Grays in Henry county, was read third time and passed.

Senate bill: Mr. Hale, from judiciary committee, reported favorably on the bill to authorize B. Y. Noble, to dispose of certain property held by him in trust for the benefit of his *cestui que* trust.

Report concurred in, bill was read third time and passed, and ordered to the Senate forthwith.

Senate bill for the relief of W. J. Ledbetter, of Franklin county, and Greene S. Cox, of Barbour county.

Mr. Clitherall reported from committee on local legislation, adversely to the bill.

Report concurred in.

Mr. Gilehrist moved to reconsider.

Carried.

Mr. Oates moved to lay the report on the table.

Carried.

Mr. Oates moved to amend as follows :

That McLein Shipp, of Jackson county, be, and he is hereby authorized to practice medicine and to charge and collect the usual fees for his professional services : *Provided*, That this act shall only apply to the county of Jackson.

Adopted.

Mr. Rice moved to amend as follows :

Provided, however, That said Cox, be confined in his practice to Barbour county, and the said Ledbetter, to Franklin county, in his practice or his profession.

Adopted.

Mr. Clitherall moved to amend as follows :

And Provided, They first obtain a license from the nearest medical board, to the place of their residence respectively.

Lost.

Mr. Oats moved to lay the amendment on the table.

Carried.

Mr. Clitherall moved to lay the bill on the table.

Carried.

Mr. Griffin, of Marshall, moved to reconsider Mr. Clitherall's motion to lay the bill on the table.

Lost.

Question then was on motion to reconsider.

Carried.

Question then recurred on laying the bill on the table.

Lost.

Question then was on Mr. Clitherall's amendment.

Lost.

Mr. Holley, of Tallapoosa, moved the following amendment :

And Mr. Moore, of Tallapoosa county, Alabama ; the said Moore, to be confined in his practice to Tallapoosa county.

Adopted.

Mr. Griffin, of Jackson, moved to amend.

Adopted.

Mr. Oats moved the previous question.

Carried.

Yeas 33, nays 26.

Yeas—Messrs. Bell, Bowen, Brown of Marion, Brown of

Tuscaloosa, Bryan, Bush, Carter, Chambers, Clapp, Clifton, Davidson, Fielder, Forney, Griffin of Jackson, Griffin of Marshall, Herman, Holley of Covington, Holley of Tallapoosa, Hubbard, Huckabee, Latham, Meadows, Neal, Oats, Overall, Rice, Seay, Shepard, Tate of Macon, Walden of Coosa, Whitfield, Wright, Woods.—33.

Nays—Messrs. Speaker, Abney, Aldridge, Bibb, Bowdon, Clitherall, Cunningham, Easley, Ferrel, Fountain, Gibson, Gilchrist, Hardwick, Herren of Tallapoosa, Hightower, Hobbs, Hudgins, Humphries, Lane, Lloyd, Mabry, Martin, McMurry, Scott, Smith of Coosa, Starke.—26.

Bill was then read third time and passed.

Mr. Hale, from committee on corporations, reported favorably on the bill to renew an act incorporating the Bibb county steam mill company, and asked to be discharged.

The bill was read third time and passed.

A bill to incorporate the Union Insurance company of Uniontown.

Mr. Clitherall moved to amend as follows:

Add at the end of section thirteen, nor in any manner pay out the bills or notes of any bank not doing business under the authority of the laws of Alabama, under the penalty of a forfeiture of its charter.

Adopted.

Bill was read third time and passed.

The following Senate bills were then taken up; the rule dispensed with, the bills were read first, second and third times and passed:

To prevent the increase of paupers in Marshall county, was read first, second and third times and passed;

To authorize the corporate authorities of Wetumpka, to subscribe to the capital stock of the North and South Alabama railroad, the Bank of Alabama; and for other purposes, was read first, second and third times and passed;

To incorporate the Southern Express company;

House recedes from Senate amendment;

Senate bill authorizing the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegee Collegiate Institute in the county of Macon, and also to the principal and trustees of the military academy at Glennville in Barbour county, was read the third time and passed.

Senate bill to compensate C. F. Lewis, sheriff of Macon county, for services rendered, was read first, second and third times and passed.

Senate bill to incorporate the Columbus and Florence rail road company, was read the third time and passed.

Senate bill to regulate the working of a certain road in Madison county, was read first, second and third times and passed.

Senate bill to amend an act to incorporate the State Mutual Insurance company approved Feb. 6, 1858, was read first, second and third times and passed.

Senate bill to incorporate the Mechanic's Aid Association of Mobile, read first, second and third times and passed.

Senate bill to amend an act entitled an act to incorporate the Mobile Omnibus company approved Jan. 26, 1858, was read first, second and third times and passed.

Senate bill for the relief of Burrell Johnson, tax collector of Perry county, was read second and third times and passed.

Senate bill to incorporate Pickens Academy, was read first, second and third times and passed.

Senate bill to prevent persons from exhibiting shows on the Fair Grounds of the Alabama State Agricultural Society during their annual fair, from certain penalties, was read first, second and third times and passed.

Senate bill to incorporate the Western railroad company of the State of Alabama, was read the third time and passed.

Mr. Whitfield, from committee on internal improvements, reported favorably on a bill to dispose of the masonry and other fixtures of the Muscle Shoal Canal.

Report concurred in, bill was read third time and passed.

A bill for the relief of the owners of fish traps on the Tennessee river, was read third time and passed.

A bill to authorize Wm. E. Gilbert and his associates to erect a toll bridge across Tallapoosa river, was read third time and passed.

The following House bills were then taken up, rule dispensed with, bills read first, second and third times and passed:

To re-invest a portion of the two per cent. fund;

Senate amendment concurred in.

To amend section 499 of the Code, so far as Lauderdale and Coosa counties are concerned;

Senate amendment concurred in.

To incorporate the Montgomery Mounted Rifles;

House concurred in Senate amendment.

To incorporate the Marion Rifles and other military companies therein named;

Senate amendment concurred in.

To amend an act incorporating the town of Huntsville, approved Jan. 16, 1844;

Senate amendment concurred in.

To compensate Harris & Hoyt, and Barrett & Wimbish ;

Senate amendment concurred in.

To incorporate the Metropolitan Guards ;

Senate amendment concurred in.

To regulate the agencies of insurance companies not incorporated by the State of Alabama ;

Senate amendment concurred in.

Mr. Rice introduced a bill to authorize the city of Montgomery to aid in the construction of the South and North Alabama railroad ;

The rule was dispensed with, the bill was read first, second and third times and passed.

To authorize R. G. Welsh to erect gates across a certain public road therein named, was read third time and passed.

Mr. Abney introduced a bill for the relief of Levi Pike ; the rule was dispensed with, the bill was read first, second and third times and passed.

Mr. Forney, from the judiciary committee, reported adversely to a bill to prevent free negroes from coming into the State.

Mr. Meek moved to lay the report on the table.

Mr. Rice moved to lay the bill on the table.

Division of the question was called.

Question first was on laying the report on the table.

Mr. Speaker culled the yeas and nays.

Seconded by Mr. Overall.

Yeas 27, nays 35.

Lost.

Yeas—Messrs. Speaker, Barlow, Bell, Bibb, Bowen, Brown of Marion, Brown of Tuscaloosa, Bush, Carlyle, Carter, Cooper, Easley, Ferrell, Griffin of Dale, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, McMurry, Meadows, Neal, Oats, Overall, Ramsey, Smith of Coosa, Walker, Wright.—27.

Nays—Messrs. Abney, Bradley, Brooks, Bryan, Chambers, Clifton, Clitherall, Cunningham, Dark, Fielder, Forney, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hardwick, Hobbs, Hubbard, Huckabee, Humphries, Lane, Latham, Lloyd, Lowe, Martin, Rice, Scott, Seay, Shepard, Tate of Macon, Tait of Wilcox, Whitfield, Woods.—35.

Adverse report concurred in.

Message from the Senate.

Senate, Feb. 23, 1860.

*Mr. Speaker* : The Senate has passed House bills with the following titles :

To divorce Jeremiah Smith from his wife Margaret E. Smith, and to divorce other persons therein named, and for other purposes;

To incorporate the Russelville and Tuscumbia Turnpike company;

To amend an act to regulate the fees of the judges of probate for Lowndes and Macon counties;

And refuses to concur in the amendment made by the House to the bill—

To incorporate the Southern Express company.

Has rejected House bills with the following titles:

In exercise of the police power of the State, and for the protection of the people and interest of the State of Alabama;

To consolidate the offices of tax collector and assessor in the county of Shelby;

And concurs in the amendment made by the House to the bill—

To amend sections 383 and 384 of the Code of Alabama, fixing the university fund and establishing a military department in said university;

Has originated and passed bills with the following titles:

Supplemental to an act to loan and appropriate the three per cent. fund and its interest;

To incorporate the Talladega Marble company;

To amend an act to incorporate the State Mutual Insurance company, approved Feb. 6, 1858;

To incorporate the Benton Guards in Lowndes county;

The Senate has originated and passed bills of the following titles:

Permitting free negroes to select a master and become slaves;

To refund to the Montgomery Mounted Rifles the amount paid for their arms, and for other purposes;

To incorporate the Tuscaloosa Insurance company;

The Senate has originated and passed—

Joint resolutions of the General Assembly of Alabama in response to the resolutions of South Carolina.

M. TAUL, Secretary.

Mr. Walker moved to reconsider the vote by which the House concurred in Senate amendment to the bill regulating foreign agencies.

Re-considered.

House bill to regulate the agencies of insurance companies not incorporated by the State of Alabama;



The question recurred on concurring in the Senate amendment to the bill.

Mr. Woods moved to amend.

Ruled out of order.

Mr. Rice moved the indefinite postponement of the bill, and called the yeas and nays.

Yeas 25, nays 32.

Lost.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Brown of Marion, Bryan, Bush, Carter, Clifton, Cowan, Gilchrist, Griffin of Marshall, Hobbs, Holley of Tallapoosa, Humphries, Lane, Lowe, Martin, Meadows, Ramsey, Rice, Seay, Smith of Coosa, Taylor, Walden of Coosa, Woods.

Nays—Messrs. Speaker, Bowen, Bradley, Brooks, Carlisle, Chambers, Clapp, Clitherall, Cooper, Dark, Davidson, Easley, Ferrell, Forney, Goldsmith, Griffin of Jackson, Hale, Hardwick, Hearin of Clarke, Holley of Covington, Huckabee, Irby, Latham, Lloyd, Mabry, McMurry, Overall, Starke, Tate of Macon, Tait of Wilcox, Walker, Wright.

Question then was on the passage of the bill.

Mr. Rice called the yeas and nays.

Senate amendment concurred in.

Yeas 34, nays 32.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bowen, Brooks, Carlisle, Chambers, Clapp, Clifton, Cooper, Cowan, Cunningham, Davidson, Ferrell, Fielder, Forney, Gibson, Hale, Hardwick, Hearin of Clarke, Huckabee, Hudgins, Irby, Latham, Lloyd, Mabry, Meadows, Overall, Starke, Tate of Macon, Tait of Wilcox, Walker, Wright.

Nays—Messrs. Adams, Bibb, Bradley, Brown, of Marion, Brown of Tuscaloosa, Bryan, Bush, Carter, Clitherall, Dark, Gilchrist, Goldsmith, Griffin of J., Griffin of M., Herren of Tallapoosa, Hobbs, Holley of Covington, Holley of Tallapoosa, Humphries, Lane, Lowe, Martin, Neal, Oats, Rice, Seay, Shep-Smith of Coosa, Taylor, Walden of Coosa, Whitfield, Woods.

Mr. Walker moved that the bill be sent forthwith to the Senate.

Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act for the relief of Charles Hobbs, of Talladega county;

An act to compensate James Guild and others for arresting Wm. Kirby, a fugitive from justice;

An act for the relief of B. West;

An act to incorporate a cemetery in the county of Tuscaloosa ;

An act to make valid in law certain proceedings by the qualified voters of the city of Tuscaloosa, therein named ;

An act to authorize the city of Montgomery to take stock in the South and North Alabama railroad company, and in the Bank of Alabama ;

An act to repeal the act of Feb. 14th, 1856, session acts, page 301, in relation to the rights and liabilities of stockholders in railroad and other companies, etc. ;

An act for the relief of the tax collector of Covington county ;

An act to incorporate the mountain railroad contracting company ;

An act to incorporate the Troy railroad company ;

An act to authorize the administratrix of the estate of John M. Andrews to remove the administration from the county of Coosa to the county of Chambers ;

An act for the relief of Wm. J. Bracewell, of the county of Dale ;

An act for the relief of Wm. Aldridge, Joseph Morris, Wm. Kramer, and Susan McNally ;

An act to compensate Seth Mabry, J. C. Hailey, and Aaron Willis, for money expended by them in arresting a fugitive from justice ;

An act to authorize John S. Morgan to erect a dam across Big Will's creek ;

An act for the relief of Eli S. Shorter, B. F. Treadwell, and other persons therein named ;

An act to authorize the issuance of civil process on Sunday, in certain cases ;

An act requiring the presentation of claims against the county of Dale ;

An act to regulate the pay of commissioners for the county of Dale ;

An act to amend an act entitled An act to incorporate the South and North Alabama railroad company ;

An act to incorporate the Jacksonville insurance company ;

An act to incorporate the Mobile and Spring Hill railroad company ;

An act to incorporate the Prattville male and female academy, in the county of Autauga ;

An act to authorize George W. Thrush, of Dallas county, and Daniel H. Williams, of Greene county, to erect gates across certain roads therein named ;

An act to amend section 2073 of the Code in relation to mechanics' lien, so far as the same relates to Montgomery county ;

An act for the relief of John Lambeth, tax collector of Tallapoosa county ;

An act repealing section 496 of the Code, so far as the same relates to Winston county ;

An act to provide and secure copies of county newspapers for the use of the courts of said counties ;

An act to allow the probate judge of Pike county to take jurisdiction of the estate of Wm. McCullough, deceased, of Montgomery county ;

An act to incorporate the mud creek camp ground, in Cherokee county ;

An act to divorce Sarah Nichols from her husband, Edward Nichols ; and to divorce other persons therein named ;

An act to incorporate the Commercial college of Montgomery ;

An act for the relief of R. C. Howie, of Sumter county ;

An act to carry into effect an act of Congress approved June 22d, 1854, authorizing the selections of lands in lieu of 16th sections, within twelve miles square reservation, in the State of Alabama ;

An act to repeal in part an act therein named, so far as it relates to Marshall county ;

An act making appropriations for the fiscal years 1860 and 1861 ;

An act to incorporate the male and female academy in the county of Walker ;

An act to compensate John W. Shepard for his services as clerk of the committee on the judiciary of the House of Representatives ;

An act to amend an act to provide for the indigent sick in the counties of Autauga, Coosa, Pike, and Coffee, and for other purposes ;

An act to give the 40th chancery district of the middle division jurisdiction in certain cases.

An act to authorize M. P. Leath, of the county of Walker, to erect a mill dam across Wolf Creek ;

An act for the relief of W. W. Waller, trustee of E. A. L. Waller ;

An act to amend an act to incorporate the town of Union Springs ;

An act to prevent the sale of spirituous liquors in one mile of Judson academy, in Henry county ;

An act for the relief of the heirs of Thomas Brewer, deceased, late of Fayette county ;

An act in relation to the practice in justices' courts in Marshall county ;

An act to prevent the people of this State from the payment of double tax in certain cases ;

An act to compensate Dr. F. H. Newman and others for a post mortem examination in aid of public justice ;

An act to incorporate the Western Railroad company, of the State of Alabama ;

An act to compensate Wm. Houston, of the county of Franklin, for services rendered the State ;

An act to authorize Wm. E. Gilbert and his associates to build a dam across the Tallapoosa river in Randolph county, for manufacturing purposes ;

An act for the relief of W. H. Bennett, of Sumter county ;

An act to incorporate the Samaritan Society, of Mobile ;

Preamble and joint resolutions upon the subject of direct trade with Mexico.

WATKINS PHELAN, Priv. Se'cy.

One-half past one o'clock arrived, and the house adjourned.

AFTERNOON SESSION, Feb. 23, 1860.

House met pursuant to adjournment.

Mr. Hobbs, from committee on education, reported an amendment to a bill to exempt certain persons therein named from serving on juries, working on public roads, and performing military duty.

Amendment concurred in as reported by committee.

Mr. Brown, of Marion, moved to amend the amendment.

Mr. Hobbs moved to lay Mr. Brown's amendment on the table.

Division ; question was first on laying the amendment on the table.

Yeas 27, nays 39.

Yeas—Messrs. Abney, Adams, Aldridge, Bell, Bibb, Bradley, Bryan, Clapp, Clifton, Cowan, Cunningham, Ferrell, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Herman, Hobbs, Holley of Covington, Hudgins, Lane, Martin, Neal, Shepard, Tate of Macon.

Nays—Messrs. Speaker, Bowen, Brown of Marion, Brown of Tuscaloosa, Bush, Carlyle, Carter, Chambers, Clitherall, Cooper, Dark, Davidson, Easley, Fielder, Forney, Gilchrist, Goldmith, Hale Herren of Tallapoosa, Holley of Tallapoosa, Hub-

bard, Huckabee, Humphries, Irby, Latham, Lloyd, Lowe, Mabry, McMurry, Meadows, Oats, Overall, Ramsey, Rice, Seay, Smith of Coosa, Starke, Walden of Coosa, Whitfield, Wright.

Question then was on laying the bill on the table.

Lost.

Question on the adoption of Mr. Brown's amendment.

Adopted.

Bill was then read third time and passed.

Mr. Starke called the yeas and nays.

Seconded by Mr. Humphries.

Yeas 46, nays 21.

Yeas—Messrs. Speaker, Abney, Adams, Aldridge, Bell, Bibb, Brown of Marion, Brown of Tuscaloosa, Bryan, Carlisle, Chambers, Clapp, Clifton, Clitherall, Dark, Easley, Ferrell, Fielder, Fountain, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Hightower, Hobbs, Holley of Covington, Holley of Tallapoosa, Hudgins, Irby, Lane, Latham, Lloyd, Martin, McMurry, Meadows, Neal, Oats, Ramsey, Rice, Smith of Coosa, Walden of Coosa, Whitfield, Wright.

Nays—Messrs. Bowen, Bradley, Brooks, Bush, Carter, Cooper, Cowan, Davidson, Forney, Goldsmith, Herren of Tallapoosa, Hubbard, Huckabee, Humphries, Lowe, Mabry, Overall, Seay, Shepard, Starke, Taylor.

Mr. Hale offered the following resolution :

*Resolved*, That when the house adjourns, it adjourns to meet at 7½ o'clock this evening.

Adopted.

Senate bill to incorporate the Opelika insurance company.

Rule dispensed with; bill read first, second, and third times, and passed.

Senate bill for the relief of Brittan & DeWolf, was read the third time and lost.

Yeas 28, nays 35.

Mr. Oats moved to adjourn.

Carried.

House adjourned to 7½ o'clock P. M.

EVENING SESSION, Feb. 23, 1860.

House met pursuant to adjournment.

#### JUDICIARY COMMITTEE REPORTS.

Mr. Walker reported adversely to a bill to declare Thomas Watson a citizen of St. Clair county.

Mr. Lloyd moved to lay the report on the table.

Carried.

Substitute unanimously adopted ; was read third time and passed.

The following Senate bills were taken up ; rule was suspended ; the bills were read first, second and third times :

Senate bill to incorporate the Talladega marble company.

Was read first, second and third times, and passed.

Senate bill to incorporate the South Alabama manufacturing company.

Was read first, second and third times and passed.

Senate bill to amend the charter of the Uniontown and Jackson railroad company.

Was read first, second and third times and passed.

Senate bill to legalize the sale of lands in section 16, township 18, range 19, of the unsold portion of same.

Was read first, second and third times and passed.

Senate bill to incorporate the Tuscaloosa insurance company.

Was read first, second and third times and passed.

Senate bill to prevent the sale of spirituous liquors within two miles of Columbiana Institute.

Was read first, second and third times, and passed.

Senate bill to abolish and establish an election precinct in the county of Mobile.

Was read first, second and third times, and passed.

Senate bill to incorporate the Benton Guards, in Lowndes county.

Was read first, second and third times, and passed.

Senate bill to authorize the compilation and printing of the revenue laws.

Was read second time.

Mr. Forney moved to lay the bill on the table.

Carried.

Message from the Governor by Mr. Phelan.

#### COMMITTEE ON ACCOUNTS AND CLAIMS.

Mr. Fountain reported adversely to the bill to compensate James D. Meadows, sheriff of the county of Tallapoosa.

Mr. Holley of Tallapoosa, moved to lay the report on the table.

Carried.

Mr. Forney moved to amend as follows :

*Be it further enacted*, That the sum of \$100 be, and the same is hereby appropriated to James B. Forman, sheriff of Calhoun

county, for victualing prisoner Abram Spence, and others, who broke jail, and that the Controller of public accounts must draw his warrant upon the treasurer of the State in favor of said James B. Forman for the same.

Adopted.

Mr. Goldsmith moved to lay the bill on the table.

Carried.

Yeas 39, nays 24.

Yeas—Messrs. Speaker, Abney, Aldridge, Bell, Bibb, Brown of Marion, Carlisle, Clifton, Cowan, Cunningham, Ferrell, Fielder, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Holley of Covington, Hudgins, Humphries, Irby, Knox, Latham, Lloyd, Mabry, McMurry, Meadows, Neal, Oats, Overall, Ramsey, Tait of Wilcox, Whitfield.

Nays—Messrs. Adams, Bowen, Bradley, Brown of Tuscaloosa, Bush, Carter, Chambers, Clapp, Clitherall, Cooper, Dark, Easley, Forney, Holley of Tallapoosa, Hubbard, Rice, Shepard, Smith of Coosa, Starke, Taylor, Walden of Coosa, Walker, Wright, Woods.

House bill to authorize the trustees of township 16, of range 16 in Montgomery county to collect notes due said township.

Mr. Hobbs called the yeas and nays on ordering the bill to a third reading.

Yeas 23, nays 37.

Lost.

Yeas—Messrs. Adams, Bell, Bradley, Brown of Marion, Carter, Chambers, Cunningham, Dark, Easley, Fielder, Gilchrist, Griffin of Jackson, Holley of Tallapoosa, Hubbard, Humphries, Oats, Ramsey, Rice, Shepard, Smith of Coosa, Walden of Coosa, Whitfield, Woods.

Nays—Messrs. Speaker, Abney, Aldridge, Bibb, Bowen, Brown of Tuscaloosa, Bush, Carlisle, Clapp, Clifton, Clitherall, Cowan, Ferrell, Forney, Gibson, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Hightower, Hobbs, Holley of Covington, Hudgins, Irby, Knox, Latham, Lloyd, Mabry, McMurry, Meadows, Neal, Overall, Starke, Tait of Wilcox, Taylor, Wright.

House bill to authorize counties, towns and cities to take stock in railroads, upon the concurrence of two-thirds of their respective voters.

Mr. Aldridge moved an amendment.

Mr. Goldsmith moved to amend by adding Pike county.

Mr. Adams moved to amend by adding Butler county.

Mr. Dark moved to amend by adding Tallapoosa county.

Mr. Bell moved to amend by adding Talladega county.

Mr. Fountain moved to amend by adding Dale county.

Mr. Smith of Coosa, moved to amend by adding Coosa county.

Mr. Oats moved to amend by striking out counties.

Mr. Knox moved to lay the bill and amendments on the table.

Carried.

House bill to incorporate the Camden insurance company.

Mr. Tait of Wilcox, moved to amend as follows:

*Provided*, That said company shall not directly nor indirectly nor through its officers or agents, pay out, lend, or circulate the bills or notes of any bank not doing business under the authority of the State of Alabama, under the penalty of forfeiture of its charter.

Adopted.

Bill was read third time and passed.

House bill regulating grand and petit jurors for the county of Walker, was read third time and passed.

House bill to make Hannah Ferguson, of Winston county, a free dealer as to property hereafter to be acquired by her, was read third time and passed.

#### REPORTS FROM COMMITTEE ON EDUCATION.

Mr. Hobbs reported a substitute to bill to amend an act to render more efficient the suystem of free public schools, in the State of Alabama.

Mr. Starke moved a substitute to substitute.

Mr. Hobbs, moved to lay the substitute to substitute on the table.

Mr. Hubbard moved the indefinite postponement of the whole business.

Mr. Rice moved that the House adjourn.

Mr Hobbs called the yeas and nays.

Seconded by Mr. Lloyd.

Yeas 29, nays 27.

Yeas—Messrs. Abney, Adams, Bell, Bowen, Bradley, Brown of Tuscaloosa, Carter, Clifton, Cunningham, Dark, Fountain, Gilchrist, Goldsmith, Hale, Hearin of Clarke, Hightower, Holley of Tallapoosa, Hubbard, Irby, Knox, Oats, Overall, Rice, Shepard, Starke, Tait of Macon, Walker, Whitfield, Woods.

Nays—Messrs. Speaker, Aldridge, Bibb, Brown of Marion, Bush, Carlisle, Chambers, Clapp, Clitherall, Cooper, Easley, Ferrell, Forney, Gibson, Griffin of Jackson, Griffin of Marshall,



Hardwick, Hobbs, Holley of Covington, Hudgins, Humphries, Lloyd, McMurry, Meadows, Neal, Walden of Coosa, Wright.

FRIDAY, 24th Feb., 1860.

House met pursuant to adjournment.

Reading of the journal was dispensed with.

Mr. Hearin of Clarke, moved to take up the Senate bill in regard to the county boundaries between Clarke and Monroe.

Mr. Hobbs moved to lay the motion on the table, to take up the bill under consideration, when the House adjourned.

Carried.

Yeas 30, nays 28.

Yeas—Messrs. Abney, Barlow, Bell, Bibb, Brown of Marion, Bush, Carlisle Chambers, Cunningham, Dark, Easley, Forney, Gilchrist, Goldsmith, Griffin of Jackson, Hale, Hobbs, Hudgins, Humphries, Knox, Lane, Martin, McMurry, Meadows, Neal, Rice, Shepard, Starke, Wright, Woods.

Nays—Messrs. Speaker, Adams, Aldridge, Bowen, Bowden, Brown of Tuscaloosa, Bryan, Carter, Clitherall, Cooper, Fielder, Fountain, Gibson, Griffin of Dale, Griffin of Marshall, Hardwick, Hearin of Clarke, Herren of Tallapoosa, Herman, Hubbard, Irby, Latham, Oats, Overall, Ramsey, Scott, Smith of Coosa, Tait of Wilcox.

Substitute to House bill to amend an act to render more efficient the system of free public schools in the State of Alabama,

The question being on its indefinite postponement.

Lost.

Mr. Lloyd withdrew his motion to lay the substitute of Mr. Starke on the table.

Mr. Starke withdrew his amendment.

Mr. Hobbs' amendment was then adopted.

Mr. Hubbard moved to lay the substitute on the table.

Lost.

Substitute was then adopted.

Mr. Neal moved to lay Mr. Starke's amendment on the table.

Carried.

Yeas 41, nays 28.

Yeas—Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowden, Brooks, Brown of Marion, Bryan, Bush, Carter, Clapp, Clitherall, Cooper, Cunningham, Davidson, Forney, Gibson, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Herman, Hobbs, Hudgins, Humphries, Irby, Lloyd, Mabry, Martin,

McMurry, Neal, Overall, Parsons, Ramsey Rice, Seay, Tate of Macon, Walden of Coosa, Walker, Wright.

Nays—Messrs. Bowen, Brailley, Brown of Tuscaloosa, Carlysle, Chambers, Clifton, Dark, Easley, Fielder, Fountain, Goldsith, Griffin of Dale, Hardwick, Herren of Tallapoosa, Hightower, Holley of Covington, Holley of Tallapoosa, Hubbard, Knox, Lane, Latham, Meadows, Oats, Scott, Smith of Coosa, Starke, Tait of Wilcox, Taylor, Whitfield.

Mr. Brown of Tuscaloosa, moved to strike out Monday and insert Saturday.

Mr. Cooper moved the previous question.

Carried.

Bill was read third time and passed.

Mr. Hobbs, from committee on education, reported favorably on the bill in relation to the 16th section fund, and the more effectual security of the same.

The bill was read third time and passed.

Senate bills were taken up, rule was dispensed with, bills read first, second, and third times and passed:

Senate bill to compensate jailors for the care of prisoners who have escaped, was read first, second, and third times and passed.

Senate amendment to House bill to amend section 3249 of the Code.

Concurred in by the House.

Mr. Cooper asked leave to report from the select joint committee, to whom was referred the Governor's resolution—reports no joint resolutions.

The House took up joint resolutions of the Senate and was adopted by the House unanimously.

Mr. Griffin of Marshall, offered a resolution.

Rejected.

Mr. Griffin called the yeas and nays on receiving his resolution.

Lost.

Yeas 31, nays 37.

Yeas—Messrs. Abney, Aldridge, Bibb, Bradley, Brooks, Brown of Marion, Brown of Tuscaloosa, Bush, Clapp, Clifton, Cooper, Dark, Davidson, Forney, Gilchrist, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Holley of Covington, Holley of Tallapoosa, Huckabee, Humphries, Lloyd, Lowe, Mabry, Martin, Meadows, Tait of Wilcox.

Nays—Messrs. Speaker, Adams, Barlow, Bell, Bowen, Bowden, Bryan, Carter, Chambers, Clitherall, Easley, Ferrell, Fielder, Gibson, Griffin of Jackson, Herren of Tallapoosa, Hub-

bard, Hudgins, Irby, Knox, Lane, Latham, Neal, Oats, Overall, Parsons, Ramsey, Shepard, Smith of Coosa, Starke, Tate of Macon, Taylor, Walden of Coosa, Walker, Whitfield, Wright, Woods.

Mr. Irby moved to reconsider the vote by which the House refused to pass the bill for the relief of Brittan & DeWolf.

Reconsidered.

Bill read third time and passed.

Message from the Senate.

Senate, Feb. 24th, 1860.

*Mr. Speaker:* The Senate has passed House bills with the following titles:

To compensate G. M. C. Weams, Thos. J. Cochran, and others, for services rendered the State;

For the relief of Adelia Eckols of Dale county;

To regulate the issuance of executions by the justices of the peace in Dale county;

For the relief of Jesse B. Wallis of Walker county;

To compel the owners or millers of steam grist mills in Jackson county, to make good merchantable meal;

For the relief of the minor children of George Walker, a lunatic citizen of Jackson county;

To repeal an act relating to the road laws of Baldwin county;

To extend to the Opelika and Oxford railroad company the privileges of sections 9, 10, and 11, of an act entitled an act to incorporate the Russell railroad company;

For the relief of the heirs at law of Wm. Runbirt, dec'd, late of Marengo county;

To change the time of holding the circuit courts of Russell county, in the 9th judicial circuit, and of the county of Talladega, in the 10th judicial circuit;

To compensate J. F. Smith for capturing James R. Dunkling, a felon;

To authorize the town of Eutaw to take stock in railroads;

For the relief of William Gilmer, of Cherokee county;

To authorize justices' of the peace to appoint overseers of roads, and for other purposes, in the county of Coosa;

To allow James H. Owens, of Choctaw county, to extend his 16th section debt;

To authorize Green S. Cox, of the county of Barbour, to practice medicine;

For the benefit of the inhabitants of township 4, range 9, west, in the county of Lawrence;

To levee the Tennessee river in a part of Limestone county, and for other purposes;

Supplemental to an act to incorporate the Alabama Insurance and Exchange company at Tuskegee, and to incorporate other insurance companies therein named;

For the relief of F. Glackmeyer;

To amend the charter of the Selma gas light company;

To revise and amend the charter of the Tallapoosa and Coosa railroad;

To incorporate the town of Lowndesboro' in the county of Lowndes;

To transfer the county of Covington from the second chancery district of the Southern chancery division, to the chancery district of said division composed of the county of Butler;

To authorize W. W. Jamison, of Chambers county, to practice medicine and charge for the same;

For the relief of the heirs of John E. Sentell, dec'd;

To authorize the city of Montgomery to aid in the construction of the South and North Alabama railroad;

To authorize William E. Gilbert, and his associates, to erect a toll bridge across Tallapoosa river;

To authorize the removal of the estate of Dennis Hodges, dec'd, from the county of Butler to the State of Louisiana;

To amend the patrol law;

To amend section 977 of the Code of Alabama;

To authorize the issuance of a patent to W. J. Caldwell;

To authorize guardians of non-resident persons of unsound mind, to receive in this State personal property of such persons;

To authorize the court of county commissioners of Limestone county, or any person or persons, to build one or more bridges across Elk river in said county;

To enable Lucy Green, of Coosa county, and Cora, of Chambers county, free women of color, to become slaves, and to repeal the fifth section of an act approved Feb. 10th, 1860;

To revive an act incorporating the Bibb county steam mill company;

To re-enact the provisions of an act entitled an act to locate permanently the seat of justice in Marion county, approved 2d February, 1858.

Has amended, as therein shown, and passed the following House bill:

To compensate John L. Bunch for catching a felon, *one Wm. Douglass*.

Has rejected the following House bills:

To encourage direct trade between the Southern States and foreign countries;

To define and establish the line between the counties of Cherokee and DeKalb;

For the preservation of game in Montgomery county.

M. TAUL, Secretary Senate.

Senate, Feb., 24, 1860.

*Mr. Speaker* : The Senate has passed the following House bills :

For the relief of Levi Pike ;

For the relief of the executors of John C. Waters.

Has amended and passed the House bills :

To authorize John Varner and others, to continue fish traps on Coosa river ;

To amend section 3249 of the Code.

Has passed the House bill :

To establish and define the line between the counties of Jackson and DeKalb.

Has originated and passed a bill with the following title :

To regulate the taxes on lands granted by Congress to aid in the construction of railroads in the State of Alabama.

M. TAUL, Secretary Senate.

Senate Chamber, Feb. 24, 1860.

*Mr. Speaker* : The Senate has passed the House bill entitled an act to amend an act, to render more efficient the system of free public schools in the State of Alabama ;

Also, to be entitled an act to constitute Evaline A. Tichnor, a free dealer.

M. TAUL, Secretary Senate.

Senate, Feb. 24, 1860.

*Mr. Speaker* : The Senate has originated and passed a bill with the following title :

To incorporate the Alabama Insurance and Exchange company at Tuskegee.

M. TAUL, Secretary Senate.

Senate, Feb 24, 1860.

The Senate has originated and passed a bill with the following title :

Supplemental to an act to incorporate the South Alabama Manufacturing company, now pending before the General Assembly.

M. TAUL, Secretary Senate.

Senate bill to provide for the calling of a convention of the

people of Alabama, for the purpose of amending the constitution thereof, or the formation of a new constitution, was read third time and passed.

Yeas 40, nays 29.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bowen, Bowdon, Brooks, Bush, Chambers, Clitherall, Cunningham, Dark, Davidson, Easley, Ferrell, Fielder, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Herren of Tallapoosa, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Mabry, McMurry, Overall, Parsons, Smith of Coosa, Tate of Macon, Tait of Wilcox, Walker, Whitfield, Wright, Woods.—40.

Nays—Messrs. Aldridge, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Carlyle, Clapp, Clifton, Cowan, Gibson, Griffin of Jackson, Griffin of Marshall, Hale, Hardwick, Hearin of Clarke, Herman, Huckabee, Lane, Latham, Lloyd, Lowe, Martin, Meadows, Neal, Oats, Ramsey, Shepard, Starke, Walden of Coosa.—29.

#### REPORTS FROM COMMITTEE ON DIVORCE AND ALIMONY.

Mr. Starke reported favorably on the bill to divorce Elijah Moncrief from Elizabeth Moncrief, and to divorce other persons therein named.

Rule was dispensed with, bill read first, second and third times, and passed.

#### REPORTS FROM COMMITTEE ON PROPOSITIONS AND GRIEVANCES.

Mr. Wright reported favorably on the Senate bill to regulate election districts, and for other purposes.

Rule was dispensed with, and the bill read third time and passed.

Mr. Woods, from select committee, reported amendment to Senate bill to establish a county court for Montgomery county.

Amended as follows, by adding at the end of section 7 : And shall receive the same compensation; and by adding at the end of section 8, and they shall receive the same compensation; and by striking out section 11.

Amendment adopted.

The bill was read third time and passed.

Senate bill to incorporate the Lafayette insurance company, was read second and third times and passed.

Senate bill to incorporate the Alabama Insurance and Exchange company, at Tuskegee.

Rule dispensed with, was read first, second and third times, and passed.

Mr. Parsons moved to print one thousand copies of the report in regard to the overflowed lands.

Carried.

Mr. Shepard, from committee on internal improvements, reported favorably on bill to collect and loan a portion of the two per cent. fund.

Rule dispensed with.

The bill was read second and third times, and passed.

House bill to incorporate the Coffee county Agricultural Society, was read third time and passed.

House bill to authorize the sale of the State arsenal building, in the city of Tuscaloosa, was read third time and passed.

Mr. Hale, from committee on corporations, reported favorably on bill to amend charter of the town of Eutaw, in the county of Greene, was read third time and passed.

Mr. Irby moved to reconsider the vote by which the bill for the relief of Brittan & DeWolf, was lost.

Mr. Oats moved to lay the motion on the table.

Yeas 31, nays 39.

Lost.

Yeas—Messrs. Aldridge, Bradley, Brooks, Brown of M., Clapp, Clifton, Cowan, Davidson, Easley, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Dale, Hale, Hardwick, Hearin of Clarke, Huckabee, Humphries, Lane, Latham, Lloyd, Martin, Oats, Seay, Tait of Wilcox, Wright.

Nays—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bibb, Bowen, Brown of Tuscaloosa, Bryan, Bush, Carlisle, Chambers, Clitherall, Cunningham, Griffin of Jackson, Griffin of Marshall, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, Lowe, Meadows, Overall, Parsons, Ramsey, Rice, Scott, Shepard, Smith of Coosa, Starke, Tate of Macon, Taylor, Walden of Coosa, Walker, Whitfield, Woods.

The question was then on reconsidering.

Yeas 33, nays 27.

Carried.

Yeas—Messrs. Speaker, Bell, Bowen, Bradley, Bryan, Carlisle, Carter, Chambers, Clitherall, Dark, Easley, Griffin of Dale, Griffin of Jackson, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Hubbard, Huckabee, Hudgins, Irby, Knox, Lowe, Overall, Parsons, Ramsey, Scott, Shepard, Smith of Coosa, Starke, Tate of Macon, Walden of Coosa, Walker, Woods.

Nays—Messrs. Abney, Aldridge, Bibb, Brown of Marion, Bush, Clapp, Clifton, Cowan, Fielder, Forney, Fountain Gibson, Goldsmith, Griffin of Marshall, Hardwick, Hightower, Humphries, Lane, Latham, Lloyd, Martin, Meadows, Neal, Seay, Tait of Wilcox, Taylor, Wright.

Question then was on passage of the bill.

Yeas 31, nays 30.

Passed.

Yeas—Messrs. Speaker, Bell, Bowen, Bradley, Bryan, Carlisle, Carter, Chambers, Clitherall, Cooper, Dark, Easley, Griffin of Dale, Griffin of Jackson, Holley of Tallapoosa, Hubbard, Hudgins, Irby, Knox, McMurry, Overall, Parsons, Ramsey, Scott, Shepard Smith of Coosa, Starke, Tate of Macon, Walden of Coosa, Walker, Woods.

Nays—Messrs. Abney, Aldridge, Bibb, Brooks, Brown of Marion, Bush, Clapp, Clifton, Cowan, Ferrell, Fielder, Forney, Fountain, Gibson, Goldsmith, Griffin of Marshall, Hale, Hardwick, Hightower, Humphries, Lane, Latham, Lloyd, Martin, Meadows, Neal, Seay, Tait of Wilcox, Taylor, Wright.

Mr. Woods gave notice that he would move to reconsider the vote by which the bill calling a State convention was passed.

Mr. Clitherall moved to reconsider the vote by which the House passed the bill calling a convention, and to lay the bill on the table.

Mr. Rice moved its postponement until to-morrow at 10 o'clock.

Lost.

Mr. Rice called the yeas and nays on laying on the table.

Mr. Tait moved to adjourn.

Lost.

Question then was on laying on the table.

Yeas 38, nays 22.

Carried.

Yeas—Messrs. Speaker, Abney, Adams, Barlow, Bell, Bowen, Brooks, Bush, Carlisle, Carter, Chambers, Clitherall, Cooper, Dark, Davidson, Easley, Ferrell, Fielder, Forney, Fountain, Gilchrist, Goldsmith, Griffin of Dale, Hale, Herren of Tallapoosa, Herman, Hightower, Holley of Tallapoosa, Hubbard, Huckabee, Irby, Mabry, McMurry, Overall, Parsons, Starke, Walker, Wright.

Nays—Messrs. Aldridge, Bibb, Bradley, Brown of Marion, Brown of Tuscaloosa, Clapp, Clifton, Griffin of Jackson, Griffin of Marshall, Hardwick, Hearin of Clarke, Hobbs, Humphries, Lane, Latham, Lloyd, Martin, Oats, Rice, Scott, Taylor, Woods.

Mr. Griffin of Marshall, from the judiciary committee, asked



the House to suspend business to allow him to report a bill to amend section 2464 of the Code.

Message from the Governor.

*Mr. Speaker:* His Excellency the Governor has approved bills which originated in the House of Representatives of the following titles :

- An act for the relief of Wm. A. Wilson ;
- An act for the relief of Washington C. McMahon ;
- An act to provide for the burial expenses of the poor ;
- An act to prevent the sale of vinous or spiritous liquors within one mile of Springville Academy in St. Clair county ;
- An act to amend the charter of the Alabama and Georgia railroad company, approved Jan. 19, 1850 ;
- An act to authorize the erection of water grist mills which grind for toll ;
- An act for the relief of William Gilmer of Cherokee county ;
- An act to incorporate the Livingston Insurance company ;
- An act to re-invest a portion of the two per cent. fund ;
- An act to prevent the sale of spirituous liquors within three miles of the town of Triana, Madison county ;
- An act to amend section 3249 of the Code ;
- An act to authorize an extension of 16th section notes in township 12 range 6 in Cherokee county ;
- An act to regulate the agencies of insurance companies not incorporated by the State of Alabama ;
- An act to incorporate the Southern Fire Arms company :
- An act to amend an act to incorporate the East Alabama Male College at Auburn in Macon county, approved Feb. 1, 1856 ;
- An act to incorporate the Montgomery Mining and Manufacturing company, mines located in Talladega county, Alabama ;
- An act to incorporate the Male and Female Academy at Autaugaville in the county of Autauga ;
- An act to amend an act approved Feb. 4, 1843, amendatory of an act approved Dec. 16, 1859, to incorporate the town of Troy ;
- An act to authorize the court of county commissioners of Limestone county, or any person or persons, to build one or more bridges across Elk river in said county ;
- An act to incorporate the Marion Rifles and other military companies therein named ;
- An act to amend the charter of the Selma Gas Light company ;
- An act for the relief of F. Glackmeyer ;

An act to continue the office of commissioner and trustee and for other purposes;

An act to authorize the city of Montgomery to aid in the construction of the South and North Alabama railroad;

An act to compensate Harris & Hoyt, and Barrett & Wimbish;

An act to compensate J. F. Smith for capturing James R. Dunklin, a felon;

An act to incorporate the Montgomery Mounted Rifles;

An act to incorporate the Metropolitan Guards;

An act to revive and amend the charter of the Tallapoosa and Coosa railroad company.

WATKINS PHELAN, Private Sec'y.

Message from the Senate.

Senate, Feb. 24, 1860.

*Mr. Speaker:* The Senate has passed the following House bills:

To encourage direct trade between the Southern States and foreign countries;

For the relief of the estate of Morgan Smith, deceased, of Lowndes county.

The Senate has originated and passed a bill

To amend the act to loan and appropriate the three per cent. fund and its interest.

M. TAUL, Secretary Senate.

Senate bill was read second and third times and passed.

Message from the Governor by Mr. Phelan.

*Mr. Speaker:* I am instructed by His Excellency, the Governor, to deliver to the House of Representatives the following communication.

W. PHELAN, Priv. Sec'y.

#### PROTEST MESSAGE.

EXECUTIVE DEPARTMENT, }  
24th Feb., 1860. }

*Gentlemen of the House of Representatives:*

It was my intention, when I approved the bill appropriating the three per cent. fund, which originated in the House of Representatives, to send in my protest against so much of said appropriation as consisted of interest calculated on that portion of the three per cent. fund which was not deposited in the State Bank, but remained in the Treasury, and was not used by the State.

But hoping the Legislature would, by a supplemental bill, do away with this obnoxious feature of the act referred to, I declined at that time to communicate to the House my objection, having had the assurance of several prominent friends of the measure that they would make an effort to have a supplemental bill passed that would obviate my objections.

Seeing that there is no probability of this being done, I desire now to protest against calculating and charging the State with interest on that part of the 3 per cent. fund which went into the Treasury, and remained there as a part of said fund until it was deposited in the State Bank.

I also protest against calculating and charging the State with interest on that portion of the three per cent. fund which went into the State Treasury after the session of 1850, as appropriated by act passed at that session of the Legislature, and remained in the Treasury under said act, and was paid out under its provisions. There is no just principle upon which the State can be charged with interest upon a trust fund it has not used.

To the calculation of interest on that portion of the fund which was deposited in the State Bank as a part of its capital, I do not object. I know the State in ordinary cases is not chargeable with interest, for the government is always supposed to be ready to pay its debts, and that it does so. In regard to this fund, however, the State of Alabama occupies a different position. It was "reserved for making public roads, canals, and improving the navigation of rivers," under the direction of the Legislature.

The State accepted it upon these conditions, imposed by the Federal Government; and the sixth article of the Constitution declares, "that the General Assembly shall make provisions by law for obtaining correct knowledge of the several objects proper for improvement in relation to the navigable waters, and to the roads of this State, and for making a systematic and economical application of the means appropriated to these objects."—There can be no doubt that this provision of the Constitution was inserted with reference to this fund.

It was accepted upon the express condition that it should be applied under the direction of the Legislature to works of internal improvement; and the State also bound herself by a constitutional provision so to apply it. Instead of applying it to internal improvements, the Legislature applied it to a different purpose, by investing it as a part of the capital of the State Bank; and in consideration of this change in the direction of the fund, expressly proposed and agreed in the third section of the act chartering the State Bank, that "the net proceeds or

banking dividends of said capital shall be applied to the making of roads, canals, and improving the navigation of the rivers within the State, or be so vested as to augment the capital until such application shall be directed by law." Here is an express promise on the part of the State that the fund deposited in Bank should be *augmented*.

It is therefore, in my opinion, not improper to charge the State with six per cent. interest on this portion of three per cent. fund.

But the interest charged on any portion of the fund not used by the State is unjust and improper. I hesitated long before I could get my consent to sign the bill, because of the excess of interest charged against the State. Upon mature deliberation, I approved the bill as the lesser of two evils. The three per cent. fund for thirty years has been a fruitful source of expensive and unwholesome legislation, and would continue so as long as it remained in the Treasury. The money already expended in legislating upon this fund, no doubt, is equal to the original amount deposited in the Bank. The annual interest is about twenty thousand dollars. By the next session of the legislature it will amount to forty-four thousand dollars, and calculating the expense of the legislation that would then be had upon it, it would make a sum nearly equal to the excess of interest contained in the bill, and in two years more would nearly double it. I therefore concluded that the State would suffer less damage by approving the bill with the objectionable feature referred to, than by retaining this fund in the Treasury, rapidly increasing in interest and a continued source of expensive and unwholesome legislation.

I respectfully ask that this communication be entered upon the Journal of the House of Representatives.

Respectfully,

A. B. MOORE.

Mr. Lloyd moved that the House adjourn until 3 o'clock.  
Carried.

#### AFTERNOON SESSION, Feb. 24, 1860.

House met pursuant to adjournment.

The following Senate bills were taken up; the rule was dispensed with; bills read first, second and third times, and passed:

Senate bill to compensate John L. Bunch for catching a felon, and to compensate Barrett & Wimbish.

Senate amendment concurred in.

Senate bill for the relief of John Jeter, of Montgomery county.

Was read first, second and third times, and passed.

Senate bill to amend the charter of the Northern Bank of Alabama.

Read first, second and third times, and passed.

Senate bill to construe and extend the revenue laws in certain cases.

Was read first, second and third times, and passed.

Senate bill for increasing the number of cells in the State Penitentiary, and for other purposes, was read first and second times.

Mr. Brown, of Marion, moved to strike out ten thousand and insert five thousand dollars.

Carried.

Mr. Irby moved to reconsider the vote just taken.

Carried.

Question then was on striking out ten thousand and inserting five thousand dollars.

Lost.

Bill was then read third time and passed.

Mr. Lowe moved that the Senate be requested to return the Senate bill in regard to the charter of the Northern Bank of Alabama.

Message from the Senate.

Senate, Feb. 24, 1860.

*Mr. Speaker :* The Senate concurs in the amendments made by the House to the bill,

More effectually to secure and collect fines and forfeitures, and for other purposes.

M. TAUL.

The Senate has passed a bill to collect and loan a portion of the two per cent. fund.

M. TAUL, Secretary Senate.

On motion of Mr. Griffin, of Marshall, the House adjourned.

SATURDAY MORNING, Feb. 25, 1860.

House met pursuant to adjournment.

Reading of the journal was dispensed with.

The following bills were introduced, the rule was dispensed with, the bills were read first, second and third times and passed:

A bill for the relief of Allen G. Dugger and others of Mont-

gomery county, was read first, second and third times and passed.

A bill to regulate the taxes on lands granted by Congress to aid in the construction of railroads in the State of Alabama, was read first, second and third times and passed.

Senate bill to require the commissioners court of the several counties of this State to furnish blanks to tax assessors.

Rule dispensed with, read first, second and third times and passed.

Mr. Scott introduced a bill to suspend the operations of an act passed at the present session in regard to the Northern Bank of Alabama.

Rule was dispensed with, the bill was read first and second times.

Mr. Oats moved to lay on the table.

Lost.

Mr. Oats moved to amend by striking out July and insert May.

Question first was on striking out.

Lost.

Bill was then read third time and passed.

Call of the roll; fifty-one present:

Messrs. Speaker, Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brown of Marion, Bush, Carlyle, Carter, Chambers, Clapp, Clayton, Clifton, Clitherall, Cooper, Cowan, Dark, Davis, Ferrell, Fountain, Gibson, Gilchrist, Goldsmith, Griffin of Jackson, Griffin of Marshall, Hale, Hearin of Clarke, Hobbs, Holley of Tallapoosa, Humphries, Irby, Knox, Lane, Latham, Lloyd, Mabry, Martin, Neal, Oats, Overall, Parsons, Ramsey, Rice, Scott, Seay, Shepard, Smith of Coosa, Starke, Taylor, Walden of Coosa, Whitfield, Wright, Woods.

Senate bill for the relief of the administrator of Jacob Mitchell, deceased, was read first, second and third times and passed.

Senate bill for the relief of M. J. Ledbetter, of Franklin county, and Green S. Cox, of Barbour county, amended by the Senate and concurred in by the House.

Mr. Chambers moved to take up the Senate bill to amend section 1027 of the Code.

Message from the Senate.

Senate, Feb. 25, 1860.

*Mr. Speaker:* The Senate has passed the House bills of the following titles:

A bill to be entitled an act to authorize the legal voters of Robinson's Cross Roads in Montgomery county, and the legal

voters of Gainstown beat in Clarke county, to hold an election as to the sale of liquors in said beats ;

A bill to be entitled an act to amend the laws in relation to public roads.

The Senate concurs in the amendments made by the House to the bills :

To establish a county court for Montgomery county ;

The more effectually to secure the collection of fines and forfeitures ;

To authorize the commissioners court of Franklin county, to build a bridge in the corporation of Tuscumbia ;

To authorize the Governor to loan arms and accoutrements to Paul W. Dodson, principal of the Tuskegge Collegiate Institute in the county of Macon.

The Senate has passed House bills of the following titles :

In relation to the 16th section fund, and for the more effectual security of the same ;

To authorize the administrator of Jno. C. Bates, (late of Cherokee county) deceased, to sell slaves and invest the proceeds in lands ;

To incorporate the Union Insurance company ;

Regulating grand and petit jurors for the county of Walker ;

To make Hannah Fuguson, of Winston county, a free dealer as to property hereafter to be acquired by her.

The Senate has amended and passed a House bill :

To equalize the taxes on goods sold in this State.

The Senate has rejected the House bill :

To enable the executor or executrix of the last will and testament of H. V. Wooten, deceased, to invest the accumulated funds of said estate in personal and real estate.

The Senate has passed the following House bills :

For the relief of Alice G. Dugger and others of Marengo county ;

To suspend the operations of an act, passed at the present session in regard to the Northern Bank of Alabama ;

Also, a bill to define and establish the line between the counties of DeKalb and Jackson.

M. TAUL, Secretary Senate.

Mr. Griffin of Marshall, moved to adjourn.

Lost.

Yeas 22, nays 39.

Yeas—Messrs. Aldridge, Brooks, Brown of Marion, Bush, Chambers, Clapp, Clifton, Cowan, Cunningham, Forney, Foun-

tain, Gibson, Griffin of Marshall, Hardwick, Herman, Hobbs, Hubbard, Lloyd, Mabry, Martin, Tait of Wilcox, Wright.

Nays—Messrs. Speaker, Adams, Bell, Bibb, Bowen, Bowden, Bradley, Brown of Tuscaloosa, Carlisle, Carter, Clitherall, Dark, Davidson, Ferrell, Gilchrist, Goldsmith, Griffin of Dale, Griffin of Jackson, Hale, Herren of Tallapoosa, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Irby, Lane, Latham, McMurry, Meadows, Overall, Parsons, Ramsey, Rice, Scott, Seale, Shepard, Smith of Coosa, Starke, Walden of Coosa, Woods.

Message from the Governor.

*Mr. Speaker:* His Excellency, the Governor, has approved bills wich originated in the House of Representatives of the following titles:

An act to authorize William E. Gilbert and his associates to erect a toll bridge across Tallapoosa river;

An act to amend an act to regulate the fees of the judges of probate for Lowndes and Macon counties;

An act to change the time of holding the circuit court of Russell county, in the 9th judicial circuit, and of the county of Talladega, in the 10th judicial circuit;

An act to amend an act to render more efficient the system of free public schools, in the State of Alabama;

An act to divorce Jeremiah Smith from his wife, Margaret E. Smith, and to divorce other persons therein named, and for other purposes;

An act to authorize the town of Eutaw to take stock in railroads;

An act for the relief of the heirs at law of M. Rembert, deceased, late of Marengo county;

An act for the relief of Jesse B. Wallis, of the county of Walker;

An act to amend the road law in Washington county;

An act to incorporate the Mechanics' Aid Association of Mobile;

An act for the relief of John E. Spostswood, of Madison county;

An act to authorize the Governor to issue a patent in a certain case;

An act to change the name of Mary F. McBride, to that of Mary F. Stanford;

An act to amend section 499 of the Code so far as Lauderdale and Coosa counties are concerned;



An act to incorporate the Russellville and Tuscumbia turnpike company ;

An act to compensate G. M. C. Weems, Thomas J. Cochran, and others, for services rendered the State, and money expended therein ;

An act to extend to the Opelika and Oxford railroad company the provisions of sections 9, 10 and 11 of an act entitled an act to incorporate the Russell railroad company ;

An act to repeal an act relating to the road laws in Baldwin county ;

An act to compel the owners or millers of steam grist mills in Jackson county to make good merchantable meal ;

An act to regulate the issuing of executions by justices of the peace, in Dale county ;

An act to amend an act to incorporate the town of Huntsville, approved Jan. 16, 1844 ;

An act for the relief of Adelia Echols, of Dale county ;

An act to transfer the county of Covington from the second chancery district of the Southern chancery division to the chancery district of said division, composed of the county of Butler ;

An act to authorize the issuance of a patent to W. J. Caldwell ;

An act to authorize W. W. Jamison, of Chambers county to practice medicine, and charge for the same ;

An act to re-enact the provisions of an act entitled an act to locate permanently the seat of justice in Marion county, approved 2d Feb., 1858 ;

An act for the relief Levi Pike ;

An act to incorporate the Montgomery and Selma railroad company ;

An act to amend the charter of the city of Selma ;

An act to encourage direct trade between the Southern States and foreign countries ;

An act to authorize the removal of the estate of Dennis Hodges, from the county of Butler to the State of Louisiana ;

An act for the relief of the heirs of John E. Sentell, dec'd.

I also return to the House of Representatives in which it originated without the approval of the Governor, with his objections thereto :

A bill to be entitled an act to prevent the sale of spirituous liquors within certain limits within the county of Madison.

WATKINS PHELAN, Private Secretary.

EXECUTIVE DEPARTMENT,  
Montgomery, Ala., Feb. 25, 1860.

*Gentlemen of the House of Representatives :*

A bill to be entitled an act to prevent the sale of spirituous liquors within certain limits within the county of Madison, is herewith returned to the House of Representatives, where it originated, without my approval.

The bill prohibits the sale of spirituous or vinous liquors in township 3, range 2 in the county of Madison.

Heretofore the local bills of this character, passed by the legislature, have been for the protection of churches, schools, and colleges. To these I have given my sanction. But this is for the protection of a township, without reference, so far as the bill shows, to the protection of such institutions. If it be proper to prohibit the sale of liquors in a township, why may it not be extend the prohibition to the county or to the State at large?

Such legislation would justly repudiated by the people.

I cannot sanction such a policy, and respectfully decline to approve the bill.

A. B. MOORE.

Mr. Parsons moved to take up the bill to render available the two-fifths of stock reserved for the State in the several banks of this State.

Lost.

Yeas 23, nays 32.

Yeas—Messrs. Bell, Bradley, Carlyle, Carter, Clifton, Dark, Davidson, Ferrell, Goldsmith, Hardwick, Herren of Tallapoosa, Herman, Holley of Tallapoosa, Hudgins, Humphries, Latham, McMurry, Meadows, Parsons, Smith of Coosa, Tait of Wilcox, Walden of Coosa, Wright.

Nays—Messrs. Speaker, Aldridge, Bibb, Bowden, Brooks, Brown of Marion, Bush, Chambers, Clapp, Clitherall, Cunningham, Forney, Fountain, Gibson, Griffin of Dale, Griffin of Jackson, Griffin of Marshall, Hale, Hobbs, Hubbard, Irby, Lane, Lloyd, Mabry, Martin, Ramsey, Rice, Seale, Shepard, Starke, Woods.

Senate bill authorizing the execution of a deed to R. T. Heflin.

Rule dispensed with.

The bill was read first, second and third times, and passed.

Senate bill for the benefit of Robert Lewis of Greene county ;

Rule dispensed with, was read first, second and third times and passed.

Senate bill supplemental to an act to incorporate the South Alabama Manufacturing company, now pending before the General Assembly;

The rule was dispensed with, was read first, second and third times.

Mr. Speaker (Mr. Starke in the chair,) moved to lay the bill on the table.

Carried.

Senate bill to refund to the Montgomery Mounted Rifles the amount paid for their arms, and for other purposes, was read first and second times.

Mr. Forney moved to lay the bill on the table.

Yeas 34, nays 12.

No quorum voting.

Yeas—Messrs. Aldridge, Bell, Bowen, Brooks, Brown of Tuscaloosa, Bush, Carlyle, Carter, Clapp, Clifton, Clitherall, Dark, Davidson, Ferrell, Forney, Gibson, Hardwick, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Huckabee, Hudgins, Humphries, Latham, Lloyd, Mabry, Martin, McMurry, Meadows, Overall, Parsons, Smith of Coosa, Walden of Coosa, Woods.—34.

Nays—Messrs. Bowdon, Bradley, Chambers, Cunningham, Griffin of Jackson, Herman, Hubbard, Irby, Lane, Ramsey, Rice, Starke.—12.

Mr. Lloyd moved to adjourn until three o'clock.

Lost.

Senate bill to amend the charter of the city of Montgomery;

Rule dispensed with, bill was read first, second and third times and passed.

Senate bill to continue in force the existing laws in relation to the State Bank and Branches.

Read first, second and third times and passed.

Senate bill authorizing Bolling Hall to erect a gate across a certain public road;

Rule dispensed with, bill was read first, second and third times and passed.

Senate bill permitting free negroes to select masters and to become slaves;

Rule dispensed with, bill was read first, second and third times and passed.

Mr. Adams moved to take up the bill for the relief of John E. McVay.

Lost.

Mr. Hardwick moved to adjourn to three o'clock. Carried.

Yeas 32, nays 30.

Yeas—Messrs. Aldridge, Bell, Bibb, Bradley, Brooks, Brown of Marion, Chambers, Clapp, Cowan, Cunningham, Dark, Fountain, Gibson, Griffin of Dale, Hardwick, Herren of Tallapoosa, Herman, Hobbs, Holley of Tallapoosa, Hubbard, Huckabee, Knox, Lane, Latham, Lloyd, Martin, Meadows, Rice, Scott, Taylor, Warren, Wright.—32.

Nays—Messrs. Speaker, Adams, Bowen, Brown of Tuscaloosa, Bush, Carlysle, Carter, Clifton, Clitherall, Davidson, Ferrell, Fielder, Forney, Gilchrist, Griffin of Jackson, Griffin of Marshall, Hale, Hudgins, Humphries, Irby, Mabry, McMurry, Oats, Overall, Ramsey, Seale, Shepard, Smith of Coosa, Starke, Walden of Coosa.—30.

#### AFTERNOON SESSION, Feb. 25, 1860.

House met pursuant to adjournment.

The following House bills were taken up and acted upon :

To equalize the taxes on goods sold in this State ;

Senate amendment concurred in by the House.

To establish a medical board in Coosa county ;

The House concurred in the Senate amendment.

To authorize John Vanur and others to continue fish traps on the Coosa river, and for the protection of fish traps in the State of Alabama ;

The House concurred in the Senate amendment.

Mr. Brown of Marion offered the following resolution :

*Resolved*, By the Senate and House of Representatives of the State of Alabama in General Assembly convened, that as Professor I. J. Morris is a native of the South, and a graduate of our State University, his English Grammar should be commended to the careful attention and favorable consideration of Southern teachers.

Was unanimously adopted.

Mr. Chambers offered the following resolution :

*Resolved*, (the Senate concurring,) That the resolution by which the two Houses determined to adjourn on the 27th inst., be rescinded, and that the two Houses will adjourn at six o'clock P. M. this day, the 25th.

Adopted.

Yeas 42, nays 5.

Yeas—Messrs. Adams, Aldridge, Bell, Bibb, Bowen, Bradley, Brown of Marion, Brown of Tuscaloosa, Bush, Carlysle, Carter, Chambers, Clapp, Clifton, Cowan, Cunningham, Davidson, Fielder, Forney, Fountain, Goldsmith, Griffin of Marshall, Hale, Hardwick, Herren of Tallapoosa, Hobbs, Holley of Tallapoosa, Huckabee, Humphries, Irby, Lane, Latham, Lloyd, Ma-

bry, Martin McMurry, Meadows, Overall, Ramsey, Rice.—42.  
Nays—Messrs. Speaker, Gibson, Gilchrist, Seale, Thomas.  
—5.

MONDAY MORNING, Feb. 27, 1860.

House met at 9½ o'clock.

Mr. Clitherall offered the following resolution :

*Resolved*, That a committee of three be appointed by the Speaker, to act with a like committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses having finished the business before them, are now ready to adjourn *sine die*, unless he has some further communication to lay before them.

Messrs. Clitherall, Gilchrist and Lane composed said House committee.

Message from the Senate.

Senate, Feb. 27, 1860.

*Mr. Speaker*: The Senate has passed a joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, which originated in the House, and concurs in the resolution of the House proposing a joint committee of both Houses, to wait upon the Governor and inform him that the General Assembly had completed the business before them, unless he had some further communication to lay before them.

Messrs. Brewer, Mitchell and McIntyre compose said committee on the part of the Senate.

M. TAUL, Secretary Senate.

Message from the Governor.

*Mr. Speaker*: His Excellency, the Governor, has approved bills which originated in the House of Representatives of the following titles:

An act for the relief of Alice G. Dugger and others, of Marengo county ;

An act to constitute Eveline A. Tichenor a free dealer.

An act for the relief of the minor children of George Walker a lunatic citizen of Jackson county ;

An act to compensate John L. Bunch for catching a felon, and to compensate Barrett & Wimbish ;

An act in relation to the 16th section fund, and for the more effectual security of the same ;

An act to authorize Greene S. Cox, of Barbour county, to practice medicine ;

An act to collect and loan a portion of the two per cent. fund ;

An act for the relief the estate of Morgan Smith, deceased, of Lowndes county ;

An act to authorize justices of the peace to appoint overseers of roads, and for other purposes, in the county of Coosa ;

An act for the benefit of the inhabitants of township 4, range 9 west, in Lawrence county ;

An act to amend the patrol laws ;

An act to suspend the operation of an act passed at the present session in regard to the Northern Bank of Alabama ;

An act to authorize R. G. Welsh to erect gates across a certain public road therein named ;

An act for the relief of the executors of John C. Waters ;

An act to establish and define the line between the counties of Jackson and DeKalb ;

An act to incorporate the town of Lowndesboro, in the county of Lowndes ;

An act to authorize the administrator of John C. Bates, (late of Cherokee county,) deceased, to sell slaves and vest the proceeds in lands ;

An act to allow James H. Owens, of Choctaw county, to extend his 16th section debts ;

An act to amend section 977 of the Code ;

An act to amend the laws in relation to public roads ;

An act to incorporate the Union Insurance company ;

An act to revive an act incorporating the Bibb county steam mill company ;

An act to dispose of the masonry and other fixtures of the muscle shoals canal ;

An act for the relief of owners of fish traps on the Tennessee river ;

An act to authorize guardians of non-resident persons of unsound mind to receive in this State personal property of such persons ;

An act to establish the Coosa county medical board ;

An act to authorize John Varner and others to continue fish traps on Coosa river, and for the protection of fish traps in the State of Alabama ;

An act to make Hannah Ferguson, of Winston county, a free dealer as to property hereafter to be acquired by her ;

An act to equalize the taxes on goods sold in this State.

Also, joint memorial of the General Assembly of the State of Alabama to the Congress of the United States.

WATKINS PHELAN, Priv. Sec'y.

Mr. Clitherall offered the following resolution, [Mr. Hale in the chair.]

*Resolved*, That the thanks of the House are hereby tendered to the Hon. A. B. Meek for the able, dignified, and impartial manner with which he has presided over its deliberations.

The resolution was unanimously adopted.

Mr. Huckabee offered the following resolution :

*Resolved*, That the thanks of the House are hereby tendered the clerks, the doorkeeper and messenger, for their active and prompt discharge of the duties of their several posts.

Adopted.

Mr. Clitherall, from joint committee of the two houses to wait upon the Governor, reported that the committee had complied with their instructions, and that the Governor had no communication to lay before the General Assembly.

Mr. Speaker Meek said :

*Gentlemen of the House of Representatives:*

The hour of separation has arrived, the labors and duties of another session of the General Assembly are over, and we, who have participated in them are about to return to our respective constituencies to render an account of our stewardship. That all our acts will meet with universal approval, is not to be expected, for the legislation of this session has been most comprehensive and diversified. Yet, whatever difference of opinion may arise as to details, it cannot be denied that the action of the present General Assembly will constitute an era in the history of Alabama. Without referring to minor matters, it may be safely said, that more has been done by this than any previous Legislature, for the great cause of Internal Improvements. We have initiated measures by which the iron pathways of commerce and communication are to be laid down through all parts of our State; by which the mountain barriers of the North are to be overleaped by the Fire Horse, and the sands of the South are to glitter in the light of his flashing eyes; by which the wilderness and waste places are to be made populous and glad; by which the beautiful valley of the Tennessee is to clasp hands with the sunny shores of the Gulf; by which the rich mineral treasures of the interior are to be unlocked from the coffers of nature, and poured, with the opulent agricultural products of our soil, through improved and cheapened channels into the markets of the world; by which the impediments to navigation are to be removed from the harbor of our Emporium, so that the tallest vessels may float in ease and safety at her wharves, thus relieving our cotton planters from a tax of several

hundred thousand dollars annually ; and by which the unity of the State, so anxiously desired by the framers of her Constitution, and so essential to her prosperity and sovereignty, shall be thoroughly secured and permanently established.

What we have done for the cause of Education must also redound to the prosperity of the State. Several important Military Institutions have been established, and a Military department been created in our State University, so that our young men may unite the acquirements of the soldier with those of the citizen. In our principal city, a Medical College has been endowed, where the pupils of Hygeia may attain the knowledge of their profession, without being exposed to foul insults upon their section of the Confederacy.

These measures, and others too numerous even for mention, must form your claim upon the approbation of your constituents. That you have performed your duties conscientiously and faithfully, must be admitted by all ; and I am proud to say that I have never known a Legislative Assembly more orderly, courteous and dignified, or more zealously devoted to business. We have been fortunately exempt from those angry collisions that too often occur in deliberative bodies ; and I am sure that if any animosities have been excited, they will be as transient as the ripple on the wave, which passes off leaving its depths undisturbed, and its surface as clear and tranquil as before.

For the very complimentary resolution you have adopted in reference to me, I tender you my heartfelt thanks. I came to this chair with but a small experience in its duties, and with no confidence but a reliance upon your courtesy and generosity. That reliance has in no instance failed me. That, amid the difficulties of my position, I have committed errors, is no doubt true, but they were errors of judgment, and not of intention. If, in my efforts to preserve order, I have given offence to any member, I pray him to accept my assurance that it proceeded from no spirit of unkindness, but from a desire to dispense equal and impartial justice to all.

To the Clerks and other officers of the House we are all indebted for the ability and fidelity with which they have discharged their duties.

And now, gentlemen, we must part. We came together, most of us, as strangers. Have not the associations of the session linked us together by such ties, that I may truly say, we part as FRIENDS and BROTHERS. In my memory the scenes and incidents connected with this Chamber will live among the most dearly treasured pictures of the past. We shall not all meet again. We have this day a solemn admonition of the uncer-



tainty of life, in the sudden death of one who presided over this body at the last session, with a dignity, fidelity and amenity of manner which won the hearts of his fellow-members, and gave his name an enviable position in the history of our State. CRAWFORD M. JACKSON is no more; and his unexpected death, while it so forcibly impresses us with a consciousness of the instability of human hopes, should strengthen and sanctify the bonds of fellowship which have been established here.

Wherever my lot may be cast, I shall not cease to feel an abiding interest in the welfare of each and all of you; and may that benign Providence which has sheltered you so mercifully during this session, attend you on your return to your families, and long preserve them and you in health and happiness.

Gentlemen, I bid you all an affectionate adieu, and declare this House adjourned *sine die*.

ALEXANDER B. MEEK,  
Speaker of the House of Representatives.

Attest:

ALBERT ELMORE, Clerk.  
Montgomery, Alabama, Feb., 27th, 1860.

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